

**MINUTES OF THE CITY-COUNTY COUNCIL
AND
SPECIAL SERVICE DISTRICT COUNCILS
OF
INDIANAPOLIS, MARION COUNTY, INDIANA**

**REGULAR MEETINGS
MONDAY, MAY 9, 2016**

The City-County Council of Indianapolis, Marion County, Indiana and the Indianapolis Police Special Service District Council, Indianapolis Fire Special Service District Council and Indianapolis Solid Waste Collection Special Service District Council convened in regular concurrent sessions in the Council Chamber of the City-County Building at 7:00 p.m. on Monday, May 9, 2016, with Councillor Lewis presiding.

Councillor Freeman asked for a moment of silence in recognition of the life of former Indianapolis Fire Department (IFD) Chief Keith Smith.

Councillor Cordi introduced Pastor Donald Smith, Lighthouse Community Church, who led the opening prayer. Councillor Cordi then invited all present to join her in the Pledge of Allegiance to the Flag.

ROLL CALL

The President instructed the Clerk to take the roll call and requested members to register their presence on the voting machine. The roll call was as follows:

24 PRESENT: Adamson, Clay, Cordi, Evans, Fanning, Freeman, Gray, Holliday, Jackson, Johnson, Kreider, Lewis, Mascari, McHenry, McQuillen, Miller, Oliver, Osili, Pfisterer, Ray, Robinson, Sandlin, Scales, Simpson
1 ABSENT: Coats

A quorum of twenty-four members being present, the President called the meeting to order.

INTRODUCTION OF GUESTS AND VISITORS

Councillor Fanning introduced David Riggs and Don Steffey, Indianapolis Children's Choir. Councillor Pfisterer recognized State Representative Karlee Macer. Councillor Evans recognized Tony Cross, Chief Executive Officer of Operation Job Ready Veterans. Councillor Freeman recognized Mike Bates, director of security, and Doug Bowles, president, of the Indianapolis Motor Speedway. Councillor Jackson recognized Howe High School students and staff.

OFFICIAL COMMUNICATIONS

The President called for the reading of Official Communications. The Clerk read the following:

TO ALL MEMBERS OF THE CITY-COUNTY COUNCIL AND POLICE, FIRE AND SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT COUNCILS OF THE CITY OF INDIANAPOLIS AND MARION COUNTY, INDIANA

Ladies And Gentlemen :

You are hereby notified the REGULAR MEETINGS of the City-County Council and Police, Fire and Solid Waste Collection Special Service District Councils will be held in the City-County Building, in the Council Chambers, on Monday, May 9, 2016, at 7:00 p.m., the purpose of such MEETINGS being to conduct any and all business that may properly come before regular meetings of the Councils.

Respectfully,
s/Maggie A. Lewis
President, City-County Council

March 21, 2016

TO PRESIDENT LEWIS AND MEMBERS OF THE CITY-COUNTY COUNCIL AND POLICE, FIRE AND SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT COUNCILS OF THE CITY OF INDIANAPOLIS AND MARION COUNTY, INDIANA:

Ladies and Gentlemen:

Pursuant to the laws of the State of Indiana, I caused to be published in the *Court & Commercial Record* and in the *Indianapolis Star* on Wednesday, March 23, 2016 a copy of a Notice of Public Hearing on Proposal No. 135, 2016, said hearing to be held on Monday, April 4, 2016, at 5:30 p.m. in Room 260 of the City-County Building and on Proposal Nos. 136 and 143, 2016, said hearing to be held on Monday, April 11, 2016 at 7:00 p.m. in the City-County Building.

Respectfully,
s/NaTrina DeBow
Clerk of the City-County Council

March 31, 2016

TO PRESIDENT LEWIS AND MEMBERS OF THE CITY-COUNTY COUNCIL AND POLICE, FIRE AND SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT COUNCILS OF THE CITY OF INDIANAPOLIS AND MARION COUNTY, INDIANA:

Ladies and Gentlemen:

I have approved with my signature and delivered this day to the Clerk of the City-County Council, NaTrina DeBow, the following ordinances:

GENERAL ORDINANCE NO. 6, 2016 – amends the Code regarding the office of audit and performance and the audit committee

GENERAL ORDINANCE NO. 7, 2016 – authorizes parking restrictions on the south side of Weghorst Street (District 21)

GENERAL ORDINANCE NO. 8, 2016 – authorizes intersection controls and parking restrictions on Arsenal Avenue between Washington and New York Streets (District 17)

GENERAL ORDINANCE NO. 9, 2016 – authorizes intersection controls at Alley 550E and Alley 525E in the Fletcher Place neighborhood (District 16)

GENERAL ORDINANCE NO. 10, 2016 – authorizes a speed limit reduction on Knox, Bacon, Perry and Martin Streets near Shelby Street and Troy Avenue (District 16)

SPECIAL RESOLUTION NO. 7, 2016 – recognizes the 60th Anniversary of Crispus Attucks High School's undefeated 1956 State Championship Basketball team and its induction into the Basketball Hall of Fame

SPECIAL RESOLUTION NO. 8, 2016 – recognizes the Tillman H. Harpole American Legion Auxiliary Unit 249

SPECIAL RESOLUTION NO. 9, 2016 – designates Grandview Drive, from 66th Street to 73rd Street, as the Bishop James Edison Tyson Memorial Way

s/Joseph H. Hogsett, Mayor

ADOPTION OF THE AGENDA

The President proposed the adoption of the agenda as distributed. Without objection, the agenda was adopted.

APPROVAL OF THE JOURNAL

The President called for additions or corrections to the Journals of April 11, 2016. There being no additions or corrections, the minutes were approved as distributed.

PRESENTATION OF PETITIONS, MEMORIALS, SPECIAL RESOLUTIONS, AND COUNCIL RESOLUTIONS

PROPOSAL NO. 195, 2016. The proposal, sponsored by Councillors Evans, Ray and Kreider, recognizes Operation: Job Ready Veterans. Councillor Evans read the proposal and presented representatives with copies of the document and Council pins. U.S. State Representative Karlee Macer and Tony Cross, Chief Executive Officer, thanked the Council for the recognition. Councillor Evans moved, seconded by Councillor Ray, for adoption. Proposal No. 195, 2016 was adopted by a unanimous voice vote.

Proposal No. 195, 2016 was retitled SPECIAL RESOLUTION NO. 16, 2016, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 16, 2016

A SPECIAL RESOLUTION recognizing Operation: Job Ready Veterans.

WHEREAS, Operation: Job Ready Veterans (OJRV) was founded in 2007 as the Crane Learning and Employment Center for Veterans with Disabilities, with a focus on helping veterans find employment at Naval Surface Warfare Center Crane Division, which is located in Southwest Indiana; and

WHEREAS, their mission is to provide programs and services to ensure that veterans, military spouses and caregivers have the opportunity to realize their educational, employment and career goals; and

WHEREAS, their vision is to implement sustainable programs that provide education, resources and employment opportunities; ensuring that every eligible veteran, spouse and caregiver, regardless of service era or ability level, finds their place in the workforce; and

WHEREAS, as the organization grew to serve veterans in Central Indiana, the group changed its name to the Career Learning and Employment Center for Veterans (CLEC), which is a 501(c)3 organization. In 2012, the organization opened the program to all veterans and moved its headquarters to Indianapolis. In 2013, CLEC adopted the d/b/a, Operation: Job Ready Veterans, to more clearly communicate their mission; and

WHEREAS, OJRV offers a free week-long Veteran Employment Transition Seminar (VETS) to veterans of all eras, branches, and abilities, with any discharge other than dishonorable. The Seminar allows for transitioning military personnel, Indiana National Guard and Reservist and their spouses, dependents, or caregivers, to establish and enhance their job-readiness skills. Throughout the five-day seminar, each participant rediscovers their passion, career aspirations, talents, and skill sets they have to offer to potential employers. At the conclusion of the week, the participants graduate, earning a certificate, a challenge coin, and an opportunity to meet with employers who are hiring; and

WHEREAS, beyond the graduation, OJRV's dedicated staff continues to work with each graduate to help connect them with employers who match their interests and skills, as well as with those who are interested in hiring job-ready veterans. Within the first six months following VETS, 90% of the graduates remain gainfully employed, at the same position and rate of pay, or higher; and

WHEREAS, Marion County has 398 VETS alumni; the average salary is \$44,635; and the retention rate at six months is 91%; and

WHEREAS, Operation: Job Ready Veterans' ultimate goal is for every veteran and their spouse dependent and caregiver, who desire employment, to leave the VETS Seminar with the knowledge and confidence to earn the employment they desire. It is their hope that all VETS participants become mentors for other veterans who are in need of job readiness training and placement services; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Indianapolis City-County Council proudly recognizes Operation: Job Ready Veterans.

SECTION 2. The Council heartily thanks Operation: Job Ready Veterans for their dedication to the success of veterans and their families.

SECTION 3. The Mayor is invited to join in this resolution by affixing his signature hereto.

SECTION 4. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 196, 2016. The proposal, sponsored by Councillor Fanning, celebrates the 30th Anniversary of the Indianapolis Children's Choir. Councillor Fanning read the proposal and presented representatives with copies of the document and Council pins. David Riggs, director, thanked the Council for the recognition. Councillor Fanning moved, seconded by Councillor McQuillen, for adoption. Proposal No. 196, 2016 was adopted by a unanimous voice vote.

Proposal No. 196, 2016 was retitled SPECIAL RESOLUTION NO. 17, 2016, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 17, 2016

A SPECIAL RESOLUTION celebrating the 30th Anniversary of the Indianapolis Children's Choir.

WHEREAS, the Indianapolis Children's Choir (ICC) was established in 1986 to nurture and inspire student achievement through quality music education and the pursuit of artistic excellence in choral music performance; and

WHEREAS, nearly every year, ICC travels internationally and has represented Indianapolis in nearly 40 countries throughout six continents. Performing around the world has given the singers the opportunity to explore different cultures while doing what they love; and

WHEREAS, ICC has performed professionally on concert stages and in major churches and cathedrals around the world. These locations include, but are not limited to: the Sydney Opera House; Forbidden City Concert Hall; Dublin National Concert Hall; Megaron in Athens Greece; Canterbury Cathedral; the Duomo in Florence; Notre Dame; Chartres Cathedral; and the Vatican; and

WHEREAS, ICC has performed and recorded with major artistic organizations, such as the Moscow Chamber Orchestra, the Virtuoso Orchestra of London, and St. Denis Festival Orchestra in France; and also has been featured, as well as participated in many International Choral Festivals, including the Canterbury Festival, Tuscany Festival, the Festival Internacional de Coro de Ninos en Mexico, International Children's Choral Festival, Sao Paulo Brazil, the Central European Children's Choral Festival, and the World Choir Games; and

WHEREAS, ICC has sung with acclaimed international artists, such as the Chieftains; Celine Dion; Canadian Brass; John Nelson; Raymond Leppard; Michael Feinstein; Marvin Hamlisch; Sylvia McNair; Angela Brown; David Flood; and Brenden Gunnell; and

WHEREAS, for 30 years, the Indianapolis Children's Choir has been a leader in representing the City of Indianapolis throughout the world, and is recognized internationally as a cultural ambassador for Indianapolis, now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE

May 9, 2016

CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Indianapolis City-County Council proudly celebrates the 30th Anniversary of the Indianapolis Children's Choir.

SECTION 2. The Council happily recognizes the Indianapolis Children's Choir as the official International Singing Ambassadors of Indianapolis.

SECTION 3. The Mayor is invited to join in this resolution by affixing his signature hereto.

SECTION 4. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 197, 2016. The proposal, sponsored by All Councillors, celebrates the 100th running of the Indianapolis 500. Councillor McQuillen read the proposal and presented representatives with copies of the document and Council pins. Doug Bowles, president of the Indianapolis Motor Speedway, thanked the Council for the recognition. Councillor McQuillen moved, seconded by Councillor Pfisterer, for adoption. Proposal No. 197, 2016 was adopted by a unanimous voice vote.

Proposal No. 197, 2016 was retitled SPECIAL RESOLUTION NO. 18, 2016, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 18, 2016

A SPECIAL RESOLUTION celebrating the 100th running of the Indianapolis 500.

WHEREAS, Indiana businessmen Carl G. Fisher, James A. Allison, Arthur C. Newby and Frank H. Wheeler pooled their resources to build the Indianapolis Motor Speedway (IMS) in 1909 as an automobile testing ground to support Indiana's growing automotive industry. The focus of the facility soon turned from automobile testing to racing; and

WHEREAS, IMS officially opened with balloon races on June 5, 1909, followed by motorcycle races on August 14, 1909, and automobile races on August 19, 1909; and

WHEREAS, on May 30, 1911, IMS ran its inaugural Indianapolis 500, with Ray Harroun being its first winner; and

WHEREAS, from its founding days, IMS has welcomed the world to the City of Indianapolis with open arms for an unrivaled celebration of speed and human achievement; and

WHEREAS, IMS has been a hotbed for innovation and an essential gathering place for generation after generation of Indianapolis families and has brought our great city to the attention of millions of onlookers from every corner of the globe; and

WHEREAS, IMS has driven economic growth for the City of Indianapolis and the State of Indiana for more than a century and has formed the bedrock of the City's dedicated and innovative motorsport industry; and

WHEREAS, since 1909, the IMS has been a defining piece of the culture and heritage of the City of Indianapolis. It has been a showcase for the epic pursuit of progress and the iconic quest for glory for generations; and

WHEREAS, in 2016, the Indianapolis Motor Speedway, along with fans across the globe, is preparing for the 100th running of the "Greatest Spectacle in Racing;" and

WHEREAS, as this monumental moment approaches, it is now time to celebrate Hoosier legends like Carl Fisher, Wilbur Shaw and Tony Hulman, who paved the way to a brighter future for the State and the Nation; and

WHEREAS, on May 29, 2016, the Indianapolis Motor Speedway will celebrate its 100th running of the Indianapolis 500, offering a host of entertainment and events for all ages leading up to this momentous day for IMS and the City of Indianapolis; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Indianapolis City-County Council proudly celebrates the 100th running of the Indianapolis 500.

SECTION 2. The Council enthusiastically congratulates the Indianapolis Motor Speedway on this historical milestone and looks forward to its future events.

SECTION 3. The Mayor is invited to join in this resolution by affixing his signature hereto.

SECTION 4. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 198, 2016. The proposal, sponsored by Councillors Johnson, Cordi and Ray, recognizes the 2016 IHSAA 2A Basketball Semi-State Champion and State Championship Runner-Up Thomas Carr Howe Community High School. Councillor Johnson read the proposal and presented representatives with copies of the document and Council pins. Coach Mosley Barnes, Athletic Director, and Senior member Kipp Warren, thanked the Council for the recognition. Councillor Johnson moved, seconded by Councillor Cordi, for adoption. Proposal No. 198, 2016 was adopted by a unanimous voice vote.

Proposal No. 198, 2016 was retitled SPECIAL RESOLUTION NO. 19, 2016, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 19, 2016

A SPECIAL RESOLUTION recognizing the 2016 IHSAA 2A Basketball Semi-State Champion and State Championship Runner-Up Thomas Carr Howe Community High School.

WHEREAS, Thomas Carr Howe Community High School, founded as Thomas Carr Howe High School, has served as a cornerstone of the Eastside since it opened its doors on September 6, 1938; and

WHEREAS, the 2015-2016 Howe Hornets Basketball Team has added to the school's already proud legacy with an extraordinary and historic 23-8 season; and

WHEREAS, on March 12, 2016, the Howe Hornets defeated No. 4-ranked Northeastern for the school's first Regional Championship since 1981, after overcoming an 11-point, first-half deficit and thanks to a buzzer-beating, game-winning shot by Sophomore Tony Hopkins; and

WHEREAS, on March 19, 2016, the school earned its first-ever Semi-State Championship after defeating Providence through a tumultuous second half in which the team shot a remarkable 32-for-44 from the free throw line; and

WHEREAS, on March 26, 2016, the Howe Hornets proudly represented the City of Indianapolis in the IHSAA State Championship at Bankers Life Fieldhouse, marking the first appearance in history for Howe Hornet's Basketball; and

WHEREAS, Senior Brian "Kip" Warren was named to the second team of the American Family Insurance ALL-USA Central Indiana Boys Basketball Super Team, having averaged 22.9 points and 7.5 assists per game; and

WHEREAS, Warren was also awarded the IHSAA Mental Attitude Award – the first student-athlete recipient in Howe's history – for his outstanding mental attitude, scholarship, leadership and athletic ability; and

WHEREAS, the 2015-2016 Semi-State Champion and State Championship Runner-Up Howe Hornets Basketball Team consisted of Joe Rush Jr., Kycia Washington, Rashawn Rush, Brian "Kip" Warren, Deshawn Thompson, Jermaine Couch, Wyatt Gordon, Tyler Pannell, Tony Hopkins, Jayme Taylor and Alfred Armour; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Indianapolis City-County Council recognizes and congratulates the 2016 IHSAA 2A Basketball Semi-State Champions and State Championship Runner-Up, the Thomas Carr Howe Community High School Hornets.

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SECTION 2. The Council wishes the team continued success in both academics and athletics as they work toward future goals.

SECTION 3. The Mayor is invited to join in this resolution by affixing his signature hereto.

SECTION 4. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 94, 2016. Councillor Osili reported that the Metropolitan and Economic Development Committee heard Proposal No. 94, 2016 on April 25, 2016. The proposal, sponsored by Councillor Osili, appoints Mary Kelly to the Metropolitan Board of Zoning Appeals, Division II. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass as amended. Councillor Osili moved, seconded by Councillor Adamson, for adoption. Proposal No. 94, 2016 was adopted on the following roll call vote; viz:

23 YEAS: Adamson, Clay, Cordi, Evans, Fanning, Gray, Holliday, Jackson, Johnson, Kreider, Lewis, Mascari, McHenry, McQuillen, Miller, Oliver, Osili, Pfisterer, Ray, Robinson, Sandlin, Scales, Simpson

0 NAYS:

1 NOT VOTING: Freeman

1 ABSENT: Coats

Proposal No. 94, 2016 was retitled COUNCIL RESOLUTION NO. 74, 2016, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 74, 2016

A COUNCIL RESOLUTION appointing Mary Kelly to the Metropolitan Board of Zoning Appeals, Division II.

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. As a member of the Metropolitan Board of Zoning Appeals, Division II, the Council appoints:

Mary Kelly

SECTION 2. The appointment made by this resolution is for a term ending December 31, 2016. The person appointed by this resolution shall serve at the pleasure of the Council and until his successor is appointed and qualifies unless the duration of the holdover period for this office is limited by statute.

PROPOSAL NO. 101, 2016. Councillor Gray reported that the Municipal Corporations Committee heard Proposal No. 101, 2016 on March 16 and April 13, 2016. The proposal, sponsored by Councillor Mascari, reappoints Marsha Dorsey to the Beech Grove Public Library Board. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Gray moved, seconded by Councillor Mascari, for adoption. Proposal No. 101, 2016 was adopted on the following roll call vote; viz:

24 YEAS: Adamson, Clay, Cordi, Evans, Fanning, Freeman, Gray, Holliday, Jackson, Johnson, Kreider, Lewis, Mascari, McHenry, McQuillen, Miller, Oliver, Osili, Pfisterer, Ray, Robinson, Sandlin, Scales, Simpson

0 NAYS:

1 ABSENT: Coats

Proposal No. 101, 2016 was retitled COUNCIL RESOLUTION NO. 75, 2016, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 75, 2016

A COUNCIL RESOLUTION reappointing Marsha Dorsey to the Beech Grove Public Library Board.

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. As a member of the Beech Grove Public Library Board, the Council reappoints:

Marsha Dorsey

SECTION 2. The reappointment made by this resolution is for a term ending on March 31, 2019 pursuant to IC 36-12-2-16. The person appointed by this resolution shall serve at the pleasure of the Council or until a successor is appointed and qualifies.

PROPOSAL NO. 102, 2016. Councillor Oliver reported that the Parks and Recreation Committee heard Proposal No. 102, 2016 on March 17 and April 14, 2016. The proposal, sponsored by Councillors Oliver and Lewis, reappoints Mable Covington to the Indianapolis Greenways Development Committee. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Oliver moved, seconded by Councillor Gray, for adoption. Proposal No. 102, 2016 was adopted on the following roll call vote; viz:

24 YEAS: Adamson, Clay, Cordi, Evans, Fanning, Freeman, Gray, Holliday, Jackson, Johnson, Kreider, Lewis, Mascari, McHenry, McQuillen, Miller, Oliver, Osili, Pfisterer, Ray, Robinson, Sandlin, Scales, Simpson

0 NAYS:

1 ABSENT: Coats

Proposal No. 102, 2016 was retitled COUNCIL RESOLUTION NO. 76, 2016, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 76, 2016

A COUNCIL RESOLUTION reappointing Mable Covington to the Indianapolis Greenways Development Committee.

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. As a member of the Indianapolis Greenways Development Committee, the Council reappoints:

Mable Covington

SECTION 2. The reappointment made by this resolution is for a term ending December 31, 2019. The person appointed by this resolution shall serve at the pleasure of the Council and until his or her successor is appointed and qualifies unless the duration of the holdover period for this office is limited by statute.

PROPOSAL NO. 106, 2016. Councillor Robinson reported that the Public Safety and Criminal Justice Committee heard Proposal No. 106, 2016 on March 9 and April 20, 2016. The proposal, sponsored by Councillors Robinson and Lewis, reappoints Stacie Hurre to the Animal Care and Control Board. By a 10-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Robinson moved, seconded by Councillor Simpson, for adoption. Proposal No. 106, 2016 was adopted on the following roll call vote; viz:

May 9, 2016

24 YEAS: Adamson, Clay, Cordi, Evans, Fanning, Freeman, Gray, Holliday, Jackson, Johnson, Kreider, Lewis, Mascari, McHenry, McQuillen, Miller, Oliver, Osili, Pfisterer, Ray, Robinson, Sandlin, Scales, Simpson

0 NAYS:

1 ABSENT: Coats

Proposal No. 106, 2016 was retitled COUNCIL RESOLUTION NO. 77, 2016, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 77, 2016

A COUNCIL RESOLUTION reappointing Stacie Hurrle to the Animal Care and Control Board.

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. As a member of the Animal Care and Control Board, the Council reappoints:

Stacie Hurrle

SECTION 2. The reappointment made by this resolution is for a term ending December 31, 2016. The person appointed by this resolution shall serve at the pleasure of the Council and for sixty (60) days after the expiration of such term or until such earlier date as successor is appointed and qualifies.

PROPOSAL NO. 155, 2016. Councillor Osili reported that the Metropolitan and Economic Development Committee heard Proposal No. 155, 2016 on April 25, 2016. The proposal, sponsored by Councillors Osili, Simpson and Adamson, requests the Metropolitan Development Commission to rename the 100 block of East St. Joseph Street as "Amos Brown Way." By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Simpson thanked Councillor Osili for taking this step to recognize someone who kept so many of them educated on what was going on in this city.

Councillor Osili moved, seconded by Councillor Adamson, for adoption. Proposal No. 155, 2016 was adopted on the following roll call vote; viz:

24 YEAS: Adamson, Clay, Cordi, Evans, Fanning, Freeman, Gray, Holliday, Jackson, Johnson, Kreider, Lewis, Mascari, McHenry, McQuillen, Miller, Oliver, Osili, Pfisterer, Ray, Robinson, Sandlin, Scales, Simpson

0 NAYS:

1 ABSENT: Coats

Proposal No. 155, 2016 was retitled SPECIAL RESOLUTION NO. 20, 2016, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 20, 2016

PROPOSAL FOR A SPECIAL RESOLUTION requesting the Metropolitan Development Commission to rename the 100 block of East St. Joseph Street as Amos Brown Way.

WHEREAS, Amos C. Brown, III, passed away on November 6, 2015; and

WHEREAS, the council honored his life, legacy and unrelenting public service by adopting Special Resolution No. 51, 2015 (Proposal No. 415, 2016); and

WHEREAS, the Metropolitan Development Commission (MDC), pursuant to IC 36-7-4-405, has adopted Resolution No. 87-R-23 (1987), which provides in pertinent part that a street name change for honorary purposes will be considered and determined by the MDC if requested by resolution of the council; now, therefore:

**BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:**

SECTION 1. The Indianapolis City-County Council hereby requests the MDC to rename the 100 block of East St. Joseph Street as "Amos Brown Way."

SECTION 2. The Council further requests the MDC to set the matter for public hearing under the procedures outlined in MDC Resolution No. 87-R-23.

SECTION 3. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

INTRODUCTION OF PROPOSALS

PROPOSAL NO. 170, 2016. Introduced by Councillor Oliver. The Clerk read the proposal entitled: "A Proposal for a Special Resolution which amends Special Resolution No. 64, 2015, which is an inducement resolution for the issuance of economic development revenue bonds in a redevelopment allocation area, which is now a co-development of Mapleton-Fall Creek Development Corporation and Merchants Affordable Housing Corp in an amount not to exceed \$17,000,000 to provide a portion of the cost for acquisition, construction and equipping of a new multi-housing facility consisting of 114 residential units for low and moderate-income families and individuals located at 507 East 29th Street (District 9)"; and the President referred it to the Metropolitan and Economic Development Committee.

PROPOSAL NO. 171, 2016. Introduced by Councillor Simpson. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves a transfer of \$150,000 in the 2016 Budget of the Information Services Agency (Information Services Fund) into Character 02 to pay for higher than anticipated wiring costs associated with network upgrades, funded by projected cost savings from Character 01"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 172, 2016. Introduced by Councillors Simpson and Jackson. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which requires audits of the results of the implementation of Proposal No. 112, 2016 (General Ordinance No. 13, 2016)"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 173, 2016. Introduced by Councillors Robinson and Lewis. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which appoints Duane Ingram to the Citizens Police Complaint Board"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 174, 2016. Introduced by Councillors Robinson and Lewis. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which appoints Dr. Aaron Kalinowski to the Reuben Engagement Center Board"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 175, 2016. Introduced by Councillors Robinson and Lewis. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which appoints Bill Moreau to the Reuben Engagement Center Board"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 176, 2016. Introduced by Councillors Robinson and Lewis. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which appoints Lynnea Redmon-Williams to the Reuben Engagement Center Board"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 177, 2016. Introduced by Councillors Robinson and Lewis. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which appoints Johnie Underwood to the Reuben Engagement Center Board"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 178, 2016. Introduced by Councillor Robinson. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an additional appropriation of \$259,740 in the 2016 Budget of the Marion Superior Court (Marion Superior Court Equipment and Federal, State and Local Grants Funds) to cover technology related contractual services and equipment, a security system for the Juvenile Detention Center, personnel costs for Veteran's Treatment Court and Family Court, Juvenile Detention Alternative Initiative and contractual services to support the adult guardianship program"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 179, 2016. Introduced by Councillor Adamson. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which appoints Jamar Cobb-Dennard to the Board of Public Works"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 180, 2016. Introduced by Councillor Adamson. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves a transfer of \$659,485 and additional appropriation of \$2,058,238 in the 2016 Budget of the Department of Public Works (Parks General, Transportation General, City Cumulative Capital, County Cumulative, Air Pollution Title V, Rebuild Indy, and Parking Meter Funds) to fund parks maintenance, air quality monitoring, contractual commitments, capital projects, traffic signal parts and infrastructure"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 181, 2016. Introduced by Councillor McHenry. The Clerk read the proposal entitled: "A Proposal for a Special Ordinance which approves an interlocal agreement between Indianapolis-Marion County and Hendricks County for the financing, design, construction and improvement of Raceway Road"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 182, 2016. Introduced by Councillor Adamson. The Clerk read the proposal entitled: "A Proposal for a General Resolution which establishes an interest in making the purchase of specified land owned by James B. Warrum for the construction of the Indianapolis North Flood Damage Reduction Project by the Department of Public Works"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 183, 2016. Introduced by Councillor Osili. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes the removal of parking restrictions on the west side of Pennsylvania Street from 16th to 25th Streets (District 11)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 184, 2016. Introduced by Councillor Lewis. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes intersection controls at Faculty

Drive and Penway Street (District 10)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 185, 2016. Introduced by Councillor Holliday. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes intersection controls at Antero Lane and Antero Court (District 20)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 186, 2016. Introduced by Councillor Osili. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes the removal of parking restrictions on Fort Wayne Avenue from Delaware Street to Pennsylvania Street (District 11) "; and the President referred it to the Public Works Committee.

PROPOSAL NO. 187, 2016. Introduced by Councillor Osili. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes intersection controls on Mondrian Place at 16th and 17th Streets (District 11)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 188, 2016. Introduced by Councillor Holliday. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes intersection controls on Tibbs Avenue in the Wellingshire subdivision (District 20)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 189, 2016. Introduced by Councillor Fanning. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes intersection controls at Braeside Drive South and Dunsmuir Drive (District 2)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 190, 2016. Introduced by Councillor Adamson. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes parking restrictions at the corner of Michigan Street and Arsenal Avenue (District 17)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 191, 2016. Introduced by Councillor Adamson. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes the deletion of one-way traffic restrictions on Oxford Street between Washington Street and Alley 25 North (District 17)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 192, 2016. Introduced by Councillor Gray. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a speed limit reduction of 25 miles per hour in the Liberty Creek, Stratford Glen, Liberty Creek North, Country Farms, and Liberty Village subdivisions (District 8)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 193, 2016. Introduced by Councillor Osili. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes parking restrictions on the east side of Dr. Martin Luther King Jr. Street between 25th and 26th Streets (District 11) "; and the President referred it to the Public Works Committee.

PROPOSAL NO. 194, 2016. Introduced by Councillor Adamson. The Clerk read the proposal entitled: "A Proposal for a Special Ordinance which approves and confirms an agreement for a

franchise for an electric vehicle sharing services granted by the City to BlueIndy, LLC"; and the President referred it to the Rules and Public Policy Committee.

PROPOSAL NO. 202, 2016. Introduced by Councillors Robinson and Lewis. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which amends the Code to make technical corrections by deleting references to the Department of Public Safety and replacing them with the names of the city agencies or departments to be responsible for the corresponding activity"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 204, 2016. Introduced by Councillor Lewis. The Clerk read the proposal entitled: "A Proposal for a General Resolution which adopts a fund balances policy for the City of Indianapolis"; and the President referred it to the Rules and Public Policy Committee.

SPECIAL ORDERS - PRIORITY BUSINESS

PROPOSAL NOS. 199-201, 2016. Introduced by Councillor Osili. Proposal Nos. 199-201, 2016 are proposals for Rezoning Ordinances certified by the Metropolitan Development Commission on February 19, 2016. The President called for any motions for public hearings on any of those zoning maps changes. There being no motions for public hearings, the proposed ordinances, pursuant to IC 36-7-4-608, took effect as if adopted by the City-County Council, were retitled for identification as REZONING ORDINANCE NOS. 32-34, 2016, the original copies of which ordinances are on file with the Metropolitan Development Commission, which were certified as follows:

REZONING ORDINANCE NO. 32, 2016.
2015-ZON-108
8939 SOUTHEASTERN AVENUE (APPROXIMATE ADDRESS)
FRANKLIN TOWNSHIP, CD #25
DAVID A. BAIRD AND HERTA MARIE BAIRD, by David A. Retherford
Rezoning of one acre from the D-3 (FF) district to the C-4 (FF) classification.

REZONING ORDINANCE NO. 33, 2016.
2016-ZON-004
1322, 1326, 1330, 1402 AND 1406 EAST 10TH STREET (APPROXIMATE ADDRESS)
CENTER TOWNSHIP, CD #17
NEAR EAST AREA RENEWAL, by Joseph Smoker
Rezoning of 0.42 acre, from the C-2 (FF) district to the D-8 (FF) classification.

REZONING ORDINANCE NO. 34, 2016.
2016-ZON-005
2457 MADISON AVENUE (APPROXIMATE ADDRESS)
CENTER TOWNSHIP, CD #16
PLATINUM COMMERCIAL GROUP, IV, LLC, by David Kingen and Justin Kingen
Rezoning of 0.52 acre, from the D-5 district to the C-3C (MU-2) classification.

PROPOSAL NO. 203, 2016. The proposal, sponsored by Councillor Lewis, amends portions of the Code regarding the Flood Control Secondary Zoning District to adopt amended regulations regarding development within the flood control districts.

Emily Mack, director of the Department of Metropolitan Development (DMD), stated that they were notified April 22, 2016 of alleged deficiencies in the flood control zoning ordinance passed at the last meeting and were told Indianapolis would be removed from flood insurance at that time. Since that time, Indianapolis has been temporarily reinstated due to rigorous discussions

with the Federal Emergency Management Agency (FEMA). However, they must adopt this new FEMA approved language in order to maintain flood insurance.

Councillor Simpson asked if they have something in writing this time from FEMA that this is the exact wording they will accept, and not just relying on their word over the phone. Ms. Mack said that they do.

Councillor Freeman thanked everyone for their help working hard to maintain the City's flood insurance, but he cast a "no" vote on this three weeks ago, not because he did not think it was important, but because he did not like the process and the way it was being brought to them. He said that he also did not like the fee being included and thought it should be a stand-alone proposal later. He said that the fee language has been removed from this proposal, and when it comes back for approval by the Council, he will vote against it; but he will support tonight's proposal because it has to be done to maintain flood insurance for this city's citizens.

Councillor Sandlin said that it is unfortunate they are back here tonight discussing this. There has been so much confusion about this issue, and a lot of questions from citizens regarding the flood control ordinance, FEMA and flood insurance. He asked who Councillors can direct constituents to in order to get their questions answered. Ms. Mack said that they can contact Donna Price, floodplain administrator, at 317-327-5459 or donna.price@indy.gov.

Councillor Miller stated that FEMA and the Department of Natural Resources (DNR) definitely dropped the ball on this issue, and Ms. Mack and Mr. Larrison, director of the Department of Code Enforcement (DCE), have only worked for the city a little over a month. He applauded them for working hard on an issue they did not create and saving residents from losing flood insurance.

Councillor Fanning asked where citizens can go to see if their property has been added or removed from the flood plain. Ms. Mack said that they can visit the DNR website, who has a section dedicated to the flood plain maps. She said that they can put in their parcel address, and it will clearly delineate whether or not they are in or out of the flood plain. She said that she can send that link to Council members.

Councillor Adamson moved, seconded by Councillor Robinson, for adoption. Proposal No. 203, 2016 was adopted on the following roll call vote; viz:

24 YEAS: Adamson, Clay, Cordi, Evans, Fanning, Freeman, Gray, Holliday, Jackson, Johnson, Kreider, Lewis, Mascari, McHenry, McQuillen, Miller, Oliver, Osili, Pfisterer, Ray, Robinson, Sandlin, Scales, Simpson
0 NAYS:
1 ABSENT: Coats

Proposal No. 203, 2016 was retitled GENERAL ORDINANCE NO. 15, 2016, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 15, 2016

METROPOLITAN DEVELOPMENT COMMISSION
DOCKET NO. 2016-AO-002

PROPOSAL FOR A GENERAL ORDINANCE to amend portions of the "Revised Code of the Consolidated City and County" regarding the Flood Control Secondary Zoning District to amend the regulations regarding development within the flood control districts, to take effect immediately.

May 9, 2016

WHEREAS, the FEMA notified the mayor's office on October 19, 2015 that the Flood Insurance Study establishing the flood hazard determination is complete and issued their Letter of Final Map Determination; and

WHEREAS, the city is required to adopt or show evidence of adoption of floodplain management regulations that meet the standards of Paragraph 60.3(d) of the National Flood Insurance Program regulations (44 CFR 59, etc.) by April 19, 2016, the effective date of the Flood Insurance Rate Maps, in accordance with Section 1361 of the National Flood Insurance Act of 1968, as amended; and

WHEREAS, the city in close consultation with the Indiana Department of Natural Resources, Division of Water, a State Coordinating Agency designated by FEMA, drafted amendments to the flood control secondary zoning district to fulfill the required floodplain management regulations; and

WHEREAS, the City-County Council, after approval by the Metropolitan Development Commission and requisite public notice, adopted said amendments at their meeting April 11, 2016 under their emergency procedures; and

WHEREAS, the Indiana Department of Natural Resources, Division of Water, a State Coordinating Agency designated by FEMA, notified the mayor's office that the adopted floodplain ordinance was approved on April 19, 2016; and

WHEREAS, the Federal Emergency Management Agency notified city staff on April 22, 2016 that the adopted floodplain regulations were not adequate and that all jurisdictions in Marion County, Indiana were suspended from the National Flood Insurance Program; and

WHEREAS, the suspension jeopardizes over 6,000 households who depend on the city's participation in the program for flood insurance and makes Indianapolis-Marion County ineligible for federal disaster relief funds should a qualifying catastrophe occur.

WHEREAS, the city filed in U.S. District Court a motion for entry of a temporary restraining order against the FEMA to halt the suspension from the national flood insurance program; and

WHEREAS, on April 29, 2016, an agreed order was issued reinstating eligibility of the city to the NFIP and providing 30 days for the city to adopt compliant regulations in consultation with the FEMA; and

WHEREAS, city staff and FEMA staff has constructively consulted and reviewed ordinance amending language that is agreeable to both agencies; and

WHEREAS, IC 36-7-4 establishes the Metropolitan Development Commission of Marion County, Indiana, as the single planning and zoning authority for Marion County, Indiana, and empowers the MDC to approve and recommend to the City-County Council of the City of Indianapolis and of Marion County, Indiana ordinances for the zoning or districting of all lands within the county for the purposes of securing adequate light, air, convenience of access, and safety from fire, flood, and other danger; lessening or avoiding congestion in public ways; promoting the public health, safety, comfort, morals, convenience, and general public welfare; securing the conservation of property values; and securing responsible development and growth; and

WHEREAS, the Metropolitan Development Commission has called and duly noticed a special hearing of the Commission on May 9, 2016 in order to consider changes to the ordinance required by FEMA; now, therefore:

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Zoning Ordinance of Marion County, Indiana, Section 742-203.E of the "Revised Code of the Consolidated City and County", pertaining to permitting within the Flood Control Secondary Zoning Districts, hereby is amended pursuant to IC 36-7-4, by the addition of the language that is underscored and be further amended by the deletion of the language that is stricken-through, to read as indicated:

E. Floodplain Development Permits

1. A Floodplain Development Permit shall be required in conformance with the provisions of this ordinance prior to the commencement of any development activities in areas of special flood hazard. ~~The Department of Public Works' maintenance of flood works is excluded from this requirement.~~ Ordinary maintenance and repair conducted under Department of Public Works maintenance programs is excluded, such as mowing and activities

required as part of necessary maintenance of drainage or flood control facilities so that the facilities will perform the function for which it was designed and constructed, provided that the maintenance of drainage or flood control facilities does not include any activities identified in subparagraphs 1 through 8 of the definition of “development” in Sec. 740-202.

2. The Commission hereby delegates authority to the Bureau of License and Permit Services to perform all functions relating to the review of applications for issuance of floodplain development permits, in accordance with this article.
3. A floodplain development permit shall not be issued for proposed activity in Zone A or Zone AH or Zone AO until the floodway and floodway fringe district boundaries and base flood elevation are established in accordance with this Article.
4. Application for a floodplain development permit shall be made on a form provided by the Bureau of License and Permit Services. The application shall be accompanied by drawings of the site drawn to scale that depict the proposed activity in a manner adequate for the Bureau of License and Permit Services to determine compliance with this article. At a minimum, the site plan shall show: All existing and proposed structures; existing and proposed contours (if the proposed activity includes land alteration or watercourse alteration), the governing base flood elevation for the site (including the source of the base flood elevation value); all floor elevations and the proposed flood protection grade (if the proposed activity requires a specified flood protection grade under this article).
 - a. Site plans for all platted subdivisions shall also include a delineation of the existing and proposed floodway and floodway fringe boundaries; a flood protection grade denoted for each building pad and floor; volumetric calculations demonstrating compensatory storage; and, for each lot located in a flood control zoning district, a plan note identifying the flood control zoning district in which it is located and the requirements and limitations imposed under this Section 742-203 for construction on the floodplain lot.
 - b. Plans for proposed activities requiring a specified flood protection grade under this Section 742-203, which involve land or watercourse alterations, or involve flood-proofing of a structure, shall be certified by a professional engineer, professional surveyor, or professional architect as defined by this Section 742-203.
5. An application fee shall be charged for the processing of a floodplain development permit application. A fee schedule shall be developed by the Bureau of License and Permit Services for categories of proposed activities sufficient to recover the cost of processing applications.
6. A floodplain development permit shall not be issued for any proposed activity until all necessary permits have been received from those governmental agencies from which approval is required by federal or state law, including but not limited to Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 USC 1334.
7. The Bureau of License and Permit Services shall require two NFIP elevation certificates be completed accurately and without errors by a professional engineer, professional architect or professional surveyor for each new structure, substantial addition, substantial improvement, or restoration of substantial damage located in a flood control zoning district, as required by FEMA. Performance surety shall be provided by applicant in accordance with Section 742-203.H below. The Bureau of License and Permit Services shall supply each applicant for a floodplain development permit with a blank NFIP elevation certificate during the Bureau of License and Permit Services' floodplain development permit review process. The applicant shall have a professional engineer, professional architect or professional surveyor completes the NFIP elevation certificate, showing the as-built floor elevation at flood protection grade and lowest adjacent grade to the structure, and other information required in the form. The applicant shall deliver a signed and completed NFIP elevation certificate to the Bureau of License and Permit Services within 10 calendar days after completion of construction of the lowest floor grade, and a second elevation certificate of the finished construction. ~~Inaccurate elevation certificates may be subject to an administrative fee as defined in accordance with Section 536-609.~~
8. The Bureau of License and Permit Services shall require that a flood-proofing certificate, if required by Section 742-203.D.2, be completed by a professional engineer or professional architect for each new structure, substantial addition, substantial improvement or restoration of substantial damage located in a flood control zoning district, as required by FEMA. Performance surety shall be provided by applicant in accordance with

Section 742-203.H below. The bureau shall supply each applicant for a floodplain development permit with a blank flood-proofing certificate during the bureau's floodplain development permit review process. The applicant shall have a professional engineer or architect complete the flood-proofing certificate showing the as-built floor elevation at flood protection grade as provided by the flood-proofing measures constructed, and other required information on the form. The applicant shall deliver a signed and completed flood-proofing certificate to the bureau within 10 calendar days after completion of construction of the structural flood-proofing and before the bureau completes the final site inspection.

9. The division of inspections shall not perform the final inspection of construction involving a new building or addition to a building requiring an elevation certificate or flood-proofing certificate until it has received notification that a properly completed elevation certificate or flood-proofing certificate has been submitted to the Bureau of License and Permit Services. Failure to submit a properly completed elevation certificate, or flood-proofing certificate if applicable, shall result in the issuance of a stop work order on the project by the bureau, revocation of the floodplain development permit by the bureau, or both.
10. The Bureau of License and Permit Services shall make all determinations and obtain all data in accordance with FEMA standards at 44 CFR 60.3. The permit applicant is responsible for supplying data to the bureau that is required by FEMA.

SECTION 2. The Zoning Ordinance of Marion County, Indiana, Section 742-203.G of the "Revised Code of the Consolidated City and County", pertaining to new construction in the Flood Control Secondary Zoning Districts, hereby is amended pursuant to IC 36-7-4, by the addition of the language that is underscored and be further amended by the deletion of the language that is stricken-through, to read as indicated:

G. Construction in the Flood Control zoning districts

All new construction and substantial improvements shall:

1. Be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
2. Be constructed with materials and utility equipment resistant to flood damage below the flood protection grade;
3. Be constructed by methods and practices that minimize flood damages; ~~and~~
4. Be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed or located so as to prevent water from entering or accumulating within the components during conditions of flooding; ~~and~~ and
5. Be designed with the lowest floor elevation including any basement provided and maintained at or above flood protection grade of at least two feet above the base flood elevation.

SECTION 3. The Zoning Ordinance of Marion County, Indiana, Section 742-203.I.4 of the "Revised Code of the Consolidated City and County", pertaining to development standards in the Floodway (FW) district, hereby is amended pursuant to IC 36-7-4, by the addition of the language that is underscored to read as indicated:

4. Development standards in the FW district

- a. **Open land use.** An open land use shall be allowed without a Floodplain Development Permit provided that the open land use does not constitute or involve any structure, obstruction, deposit, construction, excavation, or filling in a floodway in accordance with IDNR regulations. Otherwise, proposed open land uses shall require a Floodplain Development Permit in accordance with this Section 742-203.
- b. **Land and watercourse alterations.** Land alterations and watercourse alterations as defined in this article shall not result in any new or additional public or private expense for flood protection; shall assure that the flood carrying capacity is maintained and shall not increase flood elevations, velocities, or erosion upstream, downstream or across the stream from the proposed site; and shall not result in unreasonable degradation of water quality or the floodplain environment. In addition, no Floodplain Development Permit shall be issued for land

alterations or watercourse alterations in a floodway unless a certificate of approval for construction in a floodway is first issued by IDNR for the proposed activity, if required pursuant to IC 14-28-1.

- c. **Prohibition of garbage, trash, and junk.** No use shall involve the storage, accumulation, spreading, dismantling or processing of garbage, trash, junk, or any other similar discarded or waste material.
- d. **Nonbuilding structures.** Nonbuilding structures shall be permitted in a Floodway only under the following conditions:
 - 1. The nonbuilding structure is designed, located, and constructed such that it is protected from potential damage resulting from flooding up to and including the flood protection grade;
 - 2. The nonbuilding structure is designed to resist displacement resulting from hydrostatic, hydrodynamic, buoyant, or debris loading forces associated with flooding up to and including the flood protection grade;
 - 3. The nonbuilding structure is designed to minimize potential contamination or infiltration of floodwaters or other potential environmental health or safety hazards associated with flooding up to and including the flood protection grade;
 - 4. The nonbuilding structure is designed to minimize the obstruction of floodwaters by such measures as providing flow-through rather than solid fencing, reduction of structure cross-section area perpendicular to the flow path, and placement of the nonbuilding structure away from areas of greater depth or velocities;
 - 5. The IDNR has first issued a certificate of approval of construction in a floodway, if applicable pursuant of IC 14-28-1; and
 - 6. The nonbuilding structure must meet the applicable flood protection grade required by IDNR and FEMA rules.
- e. **Minor residential detached structure,** the total square footage being equal to or less than 400 square feet, may be erected in a Floodway with or without the lowest floor elevation at flood protection grade only if the following conditions are met.
 - 1. The detached structure is constructed or placed on the same lot as an existing primary residential structure and is operated and maintained under the same ownership;
 - 2. The detached structure is customarily incidental, accessory and subordinate to, and commonly associated with, the operation of the primary use of the lot;
 - 3. The detached structure is no larger than 75% of the size of the existing primary residential structure;
 - 4. The detached structure shall never be used in total, or in part, for habitable space;
 - 5. All electrical wiring and any heating, cooling or other major appliances in the detached structure shall be floodproofed or elevated to or above the flood protection grade;
 - 6. The detached structure is not used for the storage of any substance or chemical that is dangerous or would become dangerous if mixed with water;
 - 7. The detached structure shall be firmly anchored to prevent flotation;
 - 8. The exterior walls of the attached nonhabitable accessory enclosure shall be constructed with a material that will maintain its structural integrity during and after exposure to floodwaters and be designed to automatically equalize hydrostatic flood forces by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must meet the following minimum criteria:

- i. A minimum of one square inch of net open area for each one square foot of enclosed area for non-engineered openings or a minimum of one engineered inch for each one square foot of enclosed area for an engineered opening;
 - ii. The bottom of all openings shall be no more than one foot above the exterior grade or the interior grade immediately beneath each opening, whichever is higher; and
 - iii. Openings may be equipped with screens, louvers, valves or other coverings or devices provided that they permit the automatic entry and exit of floodwaters without reliance on human or electrical activation.
9. The IDNR has first issued a certificate of approval of construction in a floodway; and
10. As a condition to allowing construction of a detached residential accessory structure, the Bureau of License and Permit Services may first require the owner to record a statement, in a form approved by the bureau, indicating that the detached residential accessory structure shall not, in the future, be used in total, or in part, as habitable space. This shall be a covenant that shall be recorded in the office of the Recorder, Marion County, Indiana, with the property deed and shall be binding on all subsequent owners.

SECTION 4. The Zoning Ordinance of Marion County, Indiana, Section 742-203.I.5 of the “Revised Code of the Consolidated City and County”, pertaining to legally established nonconforming uses in the Floodway (FW) district, hereby is amended pursuant to IC 36-7-4, by the addition of the language that is underscored to read as indicated:

5. Legally established nonconforming uses in the FW district

Nothing stated in this Section 742-203.I shall prevent ordinary maintenance and repair of legally established nonconforming uses. The cost of ordinary maintenance and repair of building or structures is not counted toward the 50% limit for determining substantial improvement, restoration of substantial damage or substantial addition.

a. *Restoration of damage in the FW district*

1. Nonsubstantial damage: A legally established nonconforming use that has been damaged by flood, fire, explosion, act of God, or the public enemy, may be restored to its original dimension and condition provided that the damage is nonsubstantial damage and does not increase the degree of nonconformity as it pertains to flood control regulation.
2. Substantial damage: A legally established nonconforming use that is substantially damaged may only be restored if the following conditions are satisfied:
 - i. The legally established nonconforming use is not a primary residential structure;
 - ii. If required, the applicant for the proposed restored use must first obtain a certificate of approval for construction in a floodway from IDNR;
 - iii. A restored structure must be provided with the lowest floor elevation including any basement at or above flood protection grade;
 - iv. The design of the foundation of a restored structure must be certified by a professional engineer or professional architect registered in the state of Indiana as being adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the base flood, and constructed with a material that will maintain its structural integrity during and after exposure to floodwaters;
 - v. If the damage to a structure is such that the structure including the foundation is destroyed, the structure must be rebuilt upon the same area of the original foundation and have substantially the same configuration as the destroyed structure, unless the rebuilt structure is proposed to be placed on a site less vulnerable to flood hazards as determined by the Bureau of License and Permit Services;

- vi. The restored or rebuilt structure does not restrict or obstruct the floodway more than the damaged structure;
- vii. The damage was not intentionally caused by the owner or occupant; and
- viii. The restoration of the structure is begun within one year and completed within two years following the date that the damage occurred.

b. **Improvements in the FW district**

- 1. Nonsubstantial improvements: A legally established nonconforming use in a floodway (FW) district may undergo a one-time only nonsubstantial improvement. Such improvement shall not increase the degree of nonconformity as it pertains to flood control regulation. Subsequent improvements shall be subject to the requirements and limitations of this article applicable to substantial improvements.
- 2. Substantial improvements: A substantial improvement to a legally established nonconforming use in a floodway (FW) district is prohibited.

c. **Additions in the FW district**

- 1. Nonsubstantial additions: A legally established nonconforming use may undergo a one-time only nonsubstantial addition provided that:
 - i. The applicant has provided development plans and any other supporting data, as required by the Bureau of License and Permit Services, certifying that the proposed addition will not cause any increase in the base flood elevation;
 - ii. The proposed addition will not increase the degree of nonconformity as it pertains to flood control regulation; and
 - iii. A covenant indicating that "a one-time non-substantial addition to the structure has taken place and that no further additions will be allowed" shall be recorded in the office of the recorder, Marion County, Indiana, with the property deed and shall be binding on all subsequent owners.

Subsequent additions shall be subject to the requirements and limitations of this article applicable to substantial additions.

- 2. Substantial addition: A substantial addition to a legally established nonconforming use is prohibited.

SECTION 5. The Zoning Ordinance of Marion County, Indiana, Section 742-203.J.5.a of the "Revised Code of the Consolidated City and County", pertaining to the lowest floor elevation in the Floodway Fringe (FF) district, hereby is amended pursuant to IC 36-7-4, by the addition of the language that is underscored and be further amended by the deletion of the language that is stricken-through, to read as indicated:

5. **Development standards in the FF district**

- a. **Flood Protection Grade required.** Except as specifically provided in this Section 742-203, no building shall be erected, reconstructed, expanded, structurally altered, converted, used, relocated, restored, or improved unless the lowest floor elevation including any basement ~~is~~ is provided ~~with~~ and maintained at a flood protection grade of at least two feet above the base flood elevation.

SECTION 6. The Zoning Ordinance of Marion County, Indiana, Section 742-203.J.5.g of the "Revised Code of the Consolidated City and County", pertaining to detached residential accessory structures in the Floodway Fringe (FF) district, hereby is amended pursuant to IC 36-7-4, by the addition of the language that is underscored to read as indicated:

- g. **Detached residential accessory structures.** Detached residential accessory structures larger than 400 square feet in a floodway fringe district must be provided with a lowest floor

elevation at flood protection grade of at least two feet above the base flood elevation. Detached residential accessory structures, the total square footage being equal to or smaller than 400 square feet may be erected in a floodway fringe district with the lowest floor elevation above or below the flood protection grade only if the following conditions are met:

1. The detached structure is constructed or placed on the same lot as an existing primary residential structure and is operated and maintained under the same ownership;
2. The detached structure is customarily incidental, accessory and subordinate to, and commonly associated with, the operation of the primary use of the lot;
3. The detached structure is no larger than 75% of the size of the existing primary residential structure;
4. The detached structure shall never be used in total, or in part, for habitable space;
5. All electrical wiring and any heating, cooling or other major appliances in the detached structure are located above the flood protection grade and the detached structure is not used for the storage of any substance or chemical that is dangerous or would become dangerous if mixed with water;
6. The detached structure shall be firmly anchored to prevent flotation;
7. The exterior walls of the attached nonhabitable accessory enclosure shall be constructed with a material that will maintain its structural integrity during and after exposure to floodwaters and be designed to automatically equalize hydrostatic flood forces by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must meet the following minimum criteria:
 - i. A minimum of one square inch of net open area for each one square foot of enclosed area for non-engineered openings or a minimum of one engineered inch for each one square foot of enclosed area for an engineered opening;
 - ii. The bottom of all openings shall be no more than one foot above the exterior grade or the interior grade immediately beneath each opening, whichever is higher; and
 - iii. Openings may be equipped with screens, louvers, valves or other coverings or devices provided that they permit the automatic entry and exit of floodwaters without reliance on human or electrical activation.
8. As a condition to allowing a detached residential accessory structure, the Bureau of License and Permit Services may require the owner to record a statement, in a form approved by the bureau, indicating that the detached residential accessory structure shall not, in the future, be used in total, or in part, as habitable space. This shall be a covenant that shall be recorded in the Office of the Recorder, Marion County, Indiana, with the property deed and shall be binding on all subsequent owners.

SECTION 7. The Zoning Ordinance of Marion County, Indiana, Section 742-203.J.6 of the "Revised Code of the Consolidated City and County", pertaining to legally established nonconforming uses in the Floodway Fringe (FF) district, hereby is amended pursuant to IC 36-7-4, by the addition of the language that is underscored and be further amended by the deletion of the language that is stricken-through, to read as indicated:

6. Legally established nonconforming uses

Nothing stated in this Section 742-203.J shall prevent ordinary maintenance and repair of legally established nonconforming uses. The cost of ordinary maintenance and repair of buildings or structures is not counted toward the 50% limit for determining a substantial improvement, restoration of substantial damage or substantial addition. Improvements, additions and restoration of damage to legally established nonconforming uses authorized under this subsection shall not be subject to Section 742-203.J.5.h. The aggregation of additions, damages, or improvements, whether

presented as substantial or nonsubstantial, exceeding the 50% of market value limit shall be treated as substantial.

a. ***Repetitive loss damage in the FF district***

Repetitive loss damage: A legally established nonconforming use that has sustained flood-related damages on two or more separate occasions during a 10-year period for which the cost of repairs at the time of each such flood even, on average, equaled or exceeded 25% of the market value of the structure before the damage occurred, may only be restored if the lowest floor elevation including any basement of the restored structure is at flood protection grade.

b. ***Restoration of damage in the FF district***

1. Nonsubstantial damage: A legally established nonconforming use in a Floodway Fringe district damaged by flood, fire, explosion, act of God or the public enemy may be restored to its original dimensions and condition provided that the damage is a nonsubstantial damage as defined by this article and does not increase the degree of nonconformity as it pertains to flood control regulation.

2. Substantial damage: A legally established nonconforming use that is substantially damaged may only be restored if the restored structure is at flood protection grade.

c. ***Improvements in the FF district***

1. Nonsubstantial improvements: A legally established nonconforming use in a Floodway Fringe district may undergo a one-time only nonsubstantial improvement. Such improvement shall not increase the degree of nonconformity as it pertains to flood control regulation. Subsequent improvements shall be subject to the requirements and limitations of this Section 742-203 applicable to substantial improvements.

2. Substantial improvements: A legally established nonconforming use may undergo a substantial addition if the lowest floor elevation including any basement of the improvement ~~addition~~ is at flood protection grade.

d. ***Additions in the FF district***

1. **Nonsubstantial addition:** A legally established nonconforming use in a Floodway Fringe district may undergo a one-time only nonsubstantial addition provided that the degree of nonconformity as it pertains to flood control regulation shall not be increased and that a covenant indicating that "a one-time non-substantial addition to the structure has taken place and that any subsequent improvements or additions shall be subject to the requirements and limitations of this article applicable to substantial additions" shall be recorded in the Office of the Recorder, Marion County, Indiana, with the property deed and shall be binding on all subsequent owners.

2. **Substantial addition:** A legally established nonconforming use may only undergo a substantial addition if the lowest floor elevation including any basement of the addition is at flood protection grade.

SECTION 8. The Zoning Ordinance of Marion County, Indiana, Section 740-202, of the "Revised Code of the Consolidated City and County", regarding definitions, hereby is amended pursuant to IC 36-7-4, by the addition of the language that is underscored to read as follows (and to be alphabetically reordered as needed):

Definitions.

Development: For purposes of flood control regulation, any man-made change to improved or unimproved real estate including, but not limited to:

1. construction, reconstruction, or placement of a structure or any addition to a structure;
2. installing a manufactured home on a site, preparing a site for a manufactured home or placing a recreational vehicle on a site for more than 180 days;

3. installing utilities, erection of walls and fences, construction of roads, or similar appurtenances;
4. construction of flood control structures such as levees, dikes, dams, channel improvements;
5. mining, dredging, filling, grading, paving, excavation, or drilling operations;
6. construction or reconstruction of bridges or culverts;
7. storage of equipment or materials; or
8. any other activity that changes the direction, height, or velocity of flood or surface waters.

This definition does not include maintenance of existing structures and facilities such as painting, re-roofing, resurfacing roads; or agricultural practices such as gardening, plowing; or activities that do not involve filling, grading, or excavation. This definition does not include ordinary maintenance and repair conducted under Department of Public Works maintenance programs, such as mowing and activities required as part of necessary maintenance of drainage or flood control facilities so that the facilities will perform the function for which it was designed and constructed, provided that the maintenance of drainage or flood control facilities does not include any activities identified in subparagraphs 1 through 8 above.

Nonsubstantial Addition: For purposes of flood control regulation, a structural enlargement of a structure, the cost of which is less than 50% of the market value of the structure before the start of construction.

Nonsubstantial Damage: For purposes of flood control regulation, damage of any origin sustained by a structure and not intentionally caused or inflicted by the owner or occupant whereby the cost of restoring the structure to its pre-damaged condition would be less than 50% of the market value of the structure before the damage occurred. See related "Substantial Damage" and "Substantial Improvement."

Nonsubstantial Improvement: For purposes of flood control regulation, any structural improvement of a structure that does not consist of a structural enlargement or repair of damage, the cost of which is less than 50% of the market value of the structure before the start of construction of the improvement. This term does not include either:

1. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications that have been identified by the local code enforcement official and that are the minimum necessary to assure safe living conditions;
2. Any alteration of an "historic structure," provided that the alteration will not preclude the structure's continued designation as an "historic structure;" or
3. Ordinary maintenance and repair as defined in the Zoning Ordinance.

Substantial Addition: For purposes of flood control regulations, a structural enlargement of the enclosed space of a structure, the cost of which equals or exceeds 50% of the market value of the structure before the start of construction. See related "Nonsubstantial Addition."

Substantial Damage: For purposes of flood control regulations, damage of any origin sustained by a structure and not intentionally caused or inflicted by the owner or occupant, whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50% of the market value of the structure before the damage occurred. See related "Nonsubstantial Damage" and "Substantial Improvement."

Substantial Improvement: For purposes of flood control regulations, any structural improvement of a structure that does not consist of a structural enlargement or repair of damage, the cost of which equals or exceeds 50% of the market value of the structure before the "start of construction" of the improvement. The term includes any improvements to repair, replace or reconstruct damage or demolition intentionally caused or inflicted by the owner or occupant. The term does not include either:

1. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications that have been identified by the local code enforcement official and that are the minimum necessary to assure safe living conditions;
2. Any alteration of an "historic structure," provided that the alteration will not preclude the structure's continued designation as an "historic structure;" or

3. Ordinary maintenance and repair as defined in the Zoning Ordinance.

SECTION 9. This ordinance shall be in effect from and after its passage by the Council and compliance with Ind. Code § 36-3-4-14.

SPECIAL ORDERS - PUBLIC HEARING

PROPOSAL NO. 157, 2016. Councillor Robinson reported that the Public Safety and Criminal Justice Committee heard Proposal No. 157, 2016 on April 20, 2016. The proposal, sponsored by Councillor Robinson, approves an additional appropriation of \$275,000 in the 2016 Budget of the Marion County Public Defender Agency (County General Fund) to cover expenses associated with the Richmond Hill explosion case and other capital cases, offset by a reimbursement from the Indiana Public Defender Commission. By a 9-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

The President called for public testimony at 8:09 p.m.

Larry Vaughn, citizen, stated that it is unclear that the State will pay their part of the bill, and they need to make them pay their part up front.

Councillor Robinson moved, seconded by Councillor Oliver, for adoption. Proposal No. 157, 2016 was adopted on the following roll call vote; viz:

24 YEAS: Adamson, Clay, Cordi, Evans, Fanning, Freeman, Gray, Holliday, Jackson, Johnson, Kreider, Lewis, Mascari, McHenry, McQuillen, Miller, Oliver, Osili, Pfisterer, Ray, Robinson, Sandlin, Scales, Simpson
0 NAYS:
1 ABSENT: Coats

Proposal No. 157, 2016 was retitled FISCAL ORDINANCE NO. 9, 2016, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 9, 2016

A FISCAL ORDINANCE amending the City-County Annual Budget for 2016 (City-County Fiscal Ordinance No. 265, 2015) by appropriating a total of \$275,000 for purposes of the Marion County Public Defender Agency.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since its adoption, the City-County Annual Budget for 2016 is hereby amended by the increases hereinafter stated for purposes of the Marion County Public Defender Agency.

SECTION 2. The Marion County Public Defender Agency, requests an additional appropriation in the County General Fund to cover Richmond Hill and capital case related expenses. The following changes to appropriations are hereby approved:

<u>FUND</u>	<u>CHAR 1</u>	<u>CHAR 2</u>	<u>CHAR 3</u>	<u>CHAR 4</u>	<u>TOTAL</u>
County General 10101			275,000		275,000

SECTION 3. Upon approval of this, and other pending approvals, the 2015 year end and projected 2016 year end fund balances are as follows:

	Projected 2015 year-end balance	Projected 2016 year-end balance
County General 10101	9,378,033	5,619,637

SECTION 4. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 169, 2016. Councillor Robinson reported that the Public Safety and Criminal Justice Committee heard Proposal No. 169, 2016 on April 20, 2016. The proposal, sponsored by Councillors Lewis, Robinson, Evans, Mascari and Miller, appropriates \$50,000 in the 2016 Budget of the Department of Public Safety, Indianapolis Metropolitan Police Department (IMPD General Fund) for recruiting efforts. By a 7-3 vote, the Committee reported the proposal to the Council with the recommendation that it do pass as amended.

Councillor Adamson moved, seconded by Councillor Freeman, a technical amendment to change the name of the funded agency to Indianapolis Metropolitan Police Department instead of the Department of Public Safety, which now no longer exists. Proposal No. 169, 2016 was amended by a unanimous voice vote.

Councillor Oliver said that he did not support this in the past, because he did not think it did enough and he felt more funding was needed. However, after discussions with Officer Mahone, he feels comfortable supporting.

Councillor Evans agreed that they are lacking recruitment funds for the police department, but this is a huge first step and keeps them moving forward.

The President called for public testimony at 8:15 p.m.

Larry Vaughn, citizen, stated that they are using this bill to undermine the functions of this City. He said that the amendment passed by the Committee did nothing more than embezzle \$2.5 million from this City.

Councillor Freeman said that he supports the proposal, and believes this is a necessary tool. He said that they need to give police officers the tools they need to go out and recruit. He said that they may need more, but this is a necessary first step.

Councillor Sandlin asked to be added as a co-sponsor, and said that this is a small amount of money, but a good expenditure.

Councillor Evans asked Bart Brown, Council Chief Financial Officer (CFO), to explain the amendment that took place in committee, as Mr. Vaughn seems confused. Mr. Brown said that the corrected fund balance number was simply an error, and they had picked up the reserve number when drafting and not the fund balance. This is what was corrected in committee.

Councillor Scales said that she feels strongly about the need for these funds and would also like to be added as a co-sponsor.

Councillor Robinson moved, seconded by Councillor Adamson for adoption. Proposal No. 169, 2016, as amended, was adopted on the following roll call vote; viz:

24 YEAS: Adamson, Clay, Cordi, Evans, Fanning, Freeman, Gray, Holliday, Jackson, Johnson, Kreider, Lewis, Mascari, McHenry, McQuillen, Miller, Oliver, Osili, Pfisterer, Ray, Robinson, Sandlin, Scales, Simpson

0 NAYS:

1 ABSENT: Coats

Proposal No. 169, 2016, as amended, was retitled FISCAL ORDINANCE NO. 10, 2016, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 10, 2016

A FISCAL ORDINANCE amending the City-County Annual Budget for 2016 (City-County Fiscal Ordinance No. 265, 2015) by appropriating an additional \$50,000 for purposes of the IMPD.

**BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:**

SECTION 1. To provide for expenditures the necessity for which has arisen since its adoption, the City-County Annual Budget for 2016 is hereby amended to reflect the increases and reductions hereinafter stated for purposes of the IMPD, as listed in sections 2 and 3.

SECTION 2. The Indianapolis Metropolitan Police Department, is requesting an additional appropriation of \$50,000 from the IMPD General Fund to cover the cost of recruiting.

FUND	CHAR 1	CHAR 2	CHAR 3	CHAR 4	CHAR 5	TOTAL
IMPD General	0	0	50,000		0	50,000

SECTION 3. Upon approval of this, and other pending approvals, the 2015 year end and projected 2016 year end fund balances are as follows:

Fund	2015 Year-End Balance	Projected 2016 Year-End Balance
IMPD General	3,566,626	2,606,700

SECTION 4. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

SPECIAL ORDERS - FINAL ADOPTION

PROPOSAL NO. 1, 2016. Councillor Mascari reported that the Community Affairs and Education Committee heard Proposal No. 1, 2016 on February 24 and April 27, 2016. The proposal, sponsored by Councillors Robinson and Johnson, amends the Code to add a new chapter establishing the Indianapolis-Marion County public art for neighborhoods program. By a 6-1 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Johnson said that this proposal insures a thorough review every year and half the money will go to neighborhoods that fall below the poverty line, providing community development funds for public art and space beautification. He asked for his fellow Councillors' support.

Councillor Freeman said that he has served six years on this Council, and is an active Councillor in his district, attending as many public meetings as he can. He said that businesses already cannot afford to stay in Marion County and are moving out, and now to have to provide money for art projects will exacerbate that exodus. He said that the city already dips into public tax money for art, when there are many avenues for private dollars for such projects. He said that he has to be concerned about the cost of doing business in Marion County, and to say it is not taxpayer dollars is not really realistic, as the cost will have to be recouped somewhere, and most likely will be passed on to the taxpayer.

Councillor Adamson said that what he likes best about this proposal is that 50% of these revenues will be funneled into communities that are economically challenged. He added that this does not just go toward media art, but also performance art.

Councillor Scales stated that she agrees with Councillor Freeman. There are so many priority needs in this city lacking adequate funding, and any new revenue streams created need to go toward filling that gap. She said that the Arts Council already receives a million dollars from the City, and also received another \$10 million from Eli Lilly. She said that they could instead provide dollars to these economically challenged areas from those dollars instead of increasing the cost to developers who will then pass those costs along to their clients.

Councillor Fanning said that she is a proud business owner, and she clarified that this fee will only be placed on those projects where the developers seek help from the city through tax abatements or incentives. She said that only one of the current four developments in Broad Rippler have asked for help, and the other three are under no obligation to contribute to this fund. She said that if a developer is asking the City for tax increment finance (TIF) money, then this is simply an additional small requirement placed upon them in return for that funding help. She said that community art is proven to reduce crime and promote economic development. She added that the Arts Council budget is a completely separate issue. She said that she has talked with several developers, and none of them seem to have a problem with this, and therefore, she happily supports the proposal.

Councillor Miller said that they are not increasing the cost of doing business when they are giving a developer \$20 million in tax savings. He said that this is a good deal for developers. He is not against giving developers money, but requiring that they give back 1% from that tax incentive to give back to the community is powerful. He said that he will not be in favor of tacking on another 1% year after year, but most other cities above Indianapolis in ranking already have provisions like this in place. He said that this idea was introduced by former Councillor Susan Williams years ago, and by former Councillor John Barth last year, and he is glad to see it back. He said that it is critical to understand that this does not fund the Arts Council, but 100% of these funds will go to neighborhoods.

Councillor Pfisterer said that she is a supporter of the arts, but TIF dollars are so hard to come by, and this takes away tax dollars from schools and other entities like the libraries. She said that these dollars should be used for infrastructure instead of arts, because the arts have other funds they can tap into.

Councillor Gray said that he finds it difficult to believe that any additional charges made to a developer will not be passed along to the taxpayer.

Councillor Scales said that she understands the Arts Council is not involved with this program, but they do receive \$1 million from the city to distribute among arts groups. She said that those dollars can be used for public art programs in low-income neighborhoods, and there are a lot of priority needs that need funding more than arts.

Councillor McQuillen asked how the process will work. Councillor Johnson said that there will be a selection committee, and the Arts Council will have four appointees, the Mayor will have two, and the Council will have two. Neighborhood groups will apply for funds to bring the community together around a common project. He said that the process will include opportunity for public comment with full applications submitted. The committee would allocate those funds,

with half of them going to areas in economic need. The goal is to inspire economic development and create community pride. This fund would be a non-reverting fund.

Councillor Evans said that one reason he supports this proposal is that this is another avenue for neighborhoods and organizations across the county to get arts funding. Most of the arts funding goes toward projects downtown or in Broad Ripple or Fountain Square. Now, other areas of the city will benefit and have a path to apply for art in public areas.

Councillor Johnson moved, seconded by Councillor Evans, for adoption. Proposal No. 1, 2016 was adopted on the following roll call vote; viz:

*17 YEAS: Adamson, Cordi, Evans, Fanning, Gray, Johnson, Kreider, Lewis, Mascari, McHenry, McQuillen, Miller, Oliver, Osili, Ray, Robinson, Simpson
7 NAYS: Clay, Freeman, Holliday, Jackson, Pfisterer, Sandlin, Scales
1 ABSENT: Coats*

Proposal No. 1, 2016 was retitled GENERAL ORDINANCE NO. 16, 2016, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 16, 2016

A PROPOSAL FOR A GENERAL ORDINANCE amending the Revised Code of the Consolidated City and County by adding a new chapter establishing the Indianapolis-Marion County public art for neighborhoods program.

WHEREAS, cultural and artistic resources and lively public spaces enhance the quality of life for individuals living in, working in, and visiting the city; and

WHEREAS, balanced development of cultural and artistic resources preserves and improves the quality of the urban environment, increases real property values and improves public safety; and

WHEREAS, there are approximately 350 public “percent-for-art” style programs throughout the country, including Seattle, Atlanta, Baltimore, Fort Worth, Philadelphia, Chicago, Phoenix, and Charlotte; and

WHEREAS, in many cities public percent-for-art style programs have assisted in economic development activities by helping to attract and retain businesses, workers and major conventions; now, therefore:

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Revised Code of the Consolidated City and County is hereby amended by adding a new Chapter 271, to read as follows:

Chapter 271 – Public Art for Neighborhoods Program

Sec. 271-101. Program established.

The Indianapolis-Marion County Public Art for Neighborhoods Program is hereby established.

Sec. 271-102. Purpose.

The city accepts responsibility for expanding the opportunity for its citizens to experience art in, and for the beautification of, public places. The city also recognizes that the inclusion of public art in appropriate locations will promote the cultural heritage and artistic development of the city, enhance the city’s character and identity, contribute to economic development and tourism, improve public safety, add warmth, dignity, beauty and accessibility to public spaces, and expand the experience and participation of citizens with the arts. A policy is therefore established to direct that funding for the inclusion of works of art and beautification of public space in certain capital improvement projects supported by the city be allocated through this public art for neighborhoods program.

Sec. 271-103. Definitions.

As used in this Chapter, the following terms shall have the meanings ascribed to them in this section:

Affordable Housing means a residential rental housing project owned by a governmental entity, a non-profit entity described in Section 501(c)(3) and any other entity which operates the project in compliance with the provisions of Section 142(d)(1)(A) or (B) or Section 42 (g) of the Internal Revenue Code of 1986, as amended, and which serves one or more of the following purposes:

- (a) to benefit low-income and moderate-income persons;
- (b) to prevent or eliminate slums or blight; or
- (c) to respond to community development needs having a particular urgency because existing conditions pose a serious and immediate threat to the health or welfare of the community.

Arts Council means the Arts Council of Indianapolis.

Capital improvement project means any capital project for which the city has provided or agreed to provide an economic incentive to a Recipient, for the construction or substantial renovation of any building, facility, or open space to which the public is generally invited; provided, however, that the term does not include the portion of a project that consists of affordable housing.

Construction costs means the total amount appropriated or otherwise allocated for a capital improvement project (including funding from outside sources which permit the acquisition of artwork for the eligible project with such funds).

Economic incentive means any direct or indirect use of tax increment funds for the benefit of a Recipient, including but not limited to grants, loans, pledges, and bond sale proceeds.

Public art for neighborhoods fund means the special, non-reverting fund established by Section 271-105.

Public art for neighborhoods selection committee means the selection committee created by Section 271-106(b).

Recipient means any individual, partnership, association, organization, corporation or other entity, whether public or private, whether for profit or not for profit, which receives an economic incentive from the city for a capital improvement project.

Sec. 271-104. Funds for works of art and public space beautification.

This section applies only to project agreements executed on or after January 1, 2016. If the estimated construction costs of a capital improvement project exceed \$100,000, and if the city has provided or agreed to provide an economic incentive for the project, then as part of the overall project agreement between the city and the Recipient, the Recipient must agree to contribute, from non-incentive funds, an amount equal to one (1) percent of the estimated value of the economic incentive to the Public Art for Neighborhoods Fund created by Sec. 271-105. To the extent the Recipient has already spent or agreed to spend funds on public art as part of a particular project, the Recipient shall receive a dollar for dollar credit up to an amount equal to one (1) percent of the estimated value of the economic incentive, pending approval by the selection committee.

Sec. 271-105. Public art for neighborhoods fund.

There is hereby created a special fund, to be designated as the "Public Art for Neighborhoods Fund." This fund shall be a continuing, nonreverting fund, with all balances remaining therein at the end of the year, and such balances shall not revert to the city or county general funds. The controller shall deposit in the public art fund all money received pursuant to Sec. 271-104 for the selection, acquisition, commissioning, maintenance, display of artwork, public space beautification and expanded opportunities for community engagement with the arts.

Sec. 271-106. Public art grants program.

(a) The council may appropriate money from the public art for neighborhoods fund for the purpose of annually awarding sub-grants for public art and public space beautification. The council's appropriation for the purpose of the public art and public space beautification grants program shall be administered by the Arts Council of Indianapolis. Upon appropriation from the council for the public art grants program, the controller shall expend the appropriation to the Arts Council as an all-purpose grant and enter into agreements for the establishment of guidelines, application

processes, and other criteria for multiple public purpose sub-grants in support of the council's desire to fund the selection, acquisition, commissioning, maintenance, display of artwork, public space beautification and expanded opportunities for community engagement with the arts. The Arts Council's guidelines shall establish protocols to ensure that the public art for neighborhoods program is geographically balanced and provides opportunities for neighborhoods to present projects that will install art projects in public space and to beautify public space. Projects may be located anywhere in the county.

(b) There is hereby created a public art for neighborhoods selection committee, composed of ten (10) members, with six (6) members appointed by the Arts Council, two (2) members appointed by the mayor, and two (2) members appointed by the city-county council. The members shall serve for terms of two (2) years and are eligible for reappointment. The Arts Council will name the chair of the selection committee. The members must have an interest in and understanding of city planning, neighborhood and community development, urban design, or the arts. The committee shall hold public meetings to determine the sub-grant recipients and shall consider the following elements, at a minimum, in evaluating projects; the level of community and neighborhood support; the opportunity for economic development; the ability to aid crime prevention; the design or artistic merit; the cost of the project; and the potential overall effect on quality of life in the neighborhood.

(c) In addition, the selection committee shall award at least fifty (50) percent of the total amount of the sub-grants for projects in neighborhoods where the average income is at or below one hundred thirty-eight (138) percent of the federal poverty line.

Sec. 271-107. Reporting and oversight.

The Arts Council shall provide an annual written report to the full council on what individuals and organizations received sub-grants from this process. This report shall be provided to the president of the council and all council members by December 1 of each year that appropriations were made to administer the program. The Arts Council shall also make an annual report in person to a committee designated by the president of the council. This presentation will include a full review of the practices, policies and procedures used to award sub-grants, as well as information on other outcomes resulting from the placement of projects.

SECTION 2. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 137, 2016. Councillor Osili reported that the Metropolitan and Economic Development Committee heard Proposal No. 137, 2016 on April 4 and 25, 2016. The proposal, sponsored by Councillors Adamson and Cordi, amends the Code to establish a community cat program, for additional requirements related to the care and treatment of animals, to clarify when an animal is at large, to clarify rabies vaccination requirements, and to update terminology and make other technical changes. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Sandlin asked if there is not already an ordinance that prohibits cats from running at large in the community. Mr. Larrison introduced Dr. Denise Katz, veterinarian for Animal Care and Control (ACC). Dr. Katz said that this is a modification to the existing feral cat program in place, and they are just making modifications to it. She said that it addresses cats that are not meant to be indoor cats. Councillor Sandlin asked if there is an ordinance prohibiting cats from running at large. Mr. Larrison said that feral cats are permitted to run at large. Councillor Adamson said that this proposal also clarifies when an animal is considered at-large.

Councillor Gray asked what this proposal actually does. Dr. Katz said that the new program will take cats that are considered community cats, allow them to be neutered or spayed, eliminating the four-day stray hold, and putting them back into their same environment. She said that this takes out ACC as the middleman and gets these cats in and out quickly. Councillor Gray asked if they are just rounding up stray cats, giving them their shots, and then turning them back out loose. Dr. Katz said that they also spay or neuter them. She said that the idea is that if they take them away, then there are only two options, to adopt or euthanize. This process is not really working and helping reduce the stray cat population, as the continuously have more and more cats. If they

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take cats away from an area, new strays come into that place, and take over those resources, making lots of babies quickly and growing the population. If they take healthy cats and return them to the same area from where they came, that does not allow new stray cats to come in and over-populate those areas. She said that this system seems to be working.

Councillor McHenry asked if they also micro-chip the feral cats they treat. Dr. Katz said that they do not. Councillor McHenry asked how they know if they are up to date on vaccinations. Dr. Katz said that ear-tipping is part of the program to recognize these cats. Councillor McHenry asked if they provide vaccinations yearly. Dr. Katz said that feral cats are not boosted like house cats.

Councillor Miller applauded Indy Feral for their efforts in this area and partnering with the City to combat this issue.

Councillor Adamson said that the community cat program is a very involved process, and these folks know the cat communities and have some idea of which ones have been vaccinated and when.

Councillor Adamson moved, seconded by Councillor Miller, for adoption. Proposal No. 137, 2016 was adopted on the following roll call vote; viz:

24 YEAS: Adamson, Clay, Cordi, Evans, Fanning, Freeman, Gray, Holliday, Jackson, Johnson, Kreider, Lewis, Mascari, McHenry, McQuillen, Miller, Oliver, Osili, Pfisterer, Ray, Robinson, Sandlin, Scales, Simpson
0 NAYS:
1 ABSENT: Coats

Proposal No. 137, 2016 was retitled GENERAL ORDINANCE NO. 17, 2016, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 17, 2016

PROPOSAL FOR A GENERAL ORDINANCE to amend the Revised Code in order to establish a community cat program; for additional requirements related to the care and treatment of animals; to clarify when an animal is at large; to clarify rabies vaccination requirements; and to update terminology and make other grammatical and technical changes.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The below specified portions of Chapter 531 of the "Revised Code of the Consolidated City and County," regarding Animals, hereby is amended by the deletion of the language that is stricken-through, and by the addition of the language that is underscored, to read as follows:

Chapter 531

ANIMALS

ARTICLE I. GENERAL PROVISIONS

Sec. 531-101. Definitions.

As used in this chapter, the following terms shall have the meanings ascribed to them in this section.

Animal means any living, nonhuman vertebrate creature.

Animal care and control division means the animal care and control division of the department of public safety.

Animal care and control shelter means the shelter described in section 251-321 of this Code.

At large means ~~not confined without means of escape of any portion of the animal's body in a pen, corral, yard, cage, house, vehicle or other secure enclosure, unless on a leash and under the control of a competent human being, being loose and free roaming, not being on a leash and under the control of a competent person, or any portion of the animal's body not being confined within a pen, corral, yard, cage, house, vehicle, or other secure enclosure or structure or by other means that prevents escape.~~

Colony means a group of one (1) or more free roaming cats, whether unmanaged or managed.

Colony caretaker means a person who provides food, water and shelter for free roaming cats in a managed colony.

Community cat means an unowned cat that has been captured, evaluated, ear tipped, sterilized and vaccinated against rabies by a licensed veterinarian and released in accordance with section 531-209 of this Code.

Community cat caretaker means a person that provides food, water or outdoor areas of shelter to a community cat and who is not otherwise prohibited from owning or keeping animals.

Crime prevention dog means and includes a dog that is trained and used by its owner or keeper primarily for the protection of persons or property, or both.

Dangerous animal means any animal that:

- (1) Would constitute a danger to human life or property if it were not kept in the manner required by this chapter;
- (2) Has caused serious injury to a person without having been provoked by that person;
- (3) At a place other than its owner's or keepers property has:
 - a. Chased or approached a person in a menacing fashion or apparent attitude of attack; or
 - b. Attacked another domestic animal; or
- (4) Because of its training or behavior, is capable of inflicting physical harm or death to humans.

Dog means and includes animals of the Canis familiaris species, and hybrids of a Canis familiaris and any other member of the Canis genus, including wolves.

Domestic animals means rabbits, cattle, horses, ponies, mules, donkeys, jackasses, llamas, swine, sheep, goats, dogs, cats and poultry.

Exposed to rabies means an animal has been exposed to rabies if it has been bitten by or been in contact with any animal known or reasonably suspected to have been infected with rabies.

Free-roaming cat means ~~any homeless, stray, wild or untamed cat.~~ a cat that is at large that does not possess an identification tag or microchip as required by section 501-202 of this Code nor has been ear tipped to indicate it is a community cat.

Kennel means a facility operated commercially and principally for the purpose of boarding, housing, grooming, breeding or training dogs or cats, or both. For purposes of this chapter, kennel shall not include a facility in or adjoining a private residence where dogs or cats are kept for the hobby of the owner, lessee or other occupant of the property using the animals for hunting, practice tracking, exhibiting in shows or field or obedience trials or for the guarding or protecting of the property, and an occasional sale of pups or kittens by the owner, lessee or other occupant of the property shall not make such property a kennel for the purposes of this chapter.

Law enforcement animal means an animal that is owned or used by a law enforcement agency for the purpose of aiding in the detection of criminal activity, enforcement of laws, the apprehension of offenders and ensuring the public welfare.

Managed colony means a colony of free roaming cats that is registered with the animal care and control division or its designee and is maintained by a colony caretaker using trap, neuter, return methodology.

Monitored means that the animal:

- (1) Is controlled by means of a leash or other device held by a competent person, subject to the provisions of sections 531-401 and 531-728, which animal is sufficiently near the owner or handler as to be under his or her direct control and is obedient to that person's command;
- (2) Is on or within a vehicle being driven or parked; or
- (3) Is confined as required by this chapter.

Nonbite exposure means and includes scratches, abrasions, open wounds or mucous membranes contaminated with saliva or other potentially infectious material from a rabid animal.

~~*Own* means to keep, harbor or have custody, charge or control of an animal, and owner means and includes any person who owns an animal; however, veterinarians and operators of kennels, pet shops and stables, as those terms are defined in Chapter 836 of this Code, who temporarily keep animals owned by, or held for sale to, other persons shall not be deemed to own or be owners of such animals, but rather to be keepers of animals, and colony caretakers of managed colonies of free-roaming cats shall not be deemed to be owners or keepers of such animals.~~

Own means to keep, harbor or have custody, charge or control of an animal, and owner means and includes any person who owns an animal; however:

- (1) veterinarians and operators of kennels, pet shops and stables, as those terms are defined in Chapter 836 of this Code, who temporarily keep animals owned by, or held for sale to other persons shall not be deemed to own or be owners, but rather to be keepers of such animals.
- (2) a community cat caretaker shall not be deemed to own or keep a community cat but rather to provide limited oversight of such animals.

Person means and includes any individual, corporation, partnership or other association or organization, but shall exclude the following for purposes of section 531-401:

- (1) Police officers, federal or state armed forces, park rangers, game wardens, conservation officers and other such governmental agencies, with respect to actions that constitute a discharge of their official duties; and
- (2) An individual, partnership, corporation or other association, organization, or institution of higher education, ~~which that~~ is registered as a research facility with the United States Secretary of Agriculture under 7 USC § 2131 et seq., commonly known as the "Animal Welfare Act," while engaged in the course of their performance as such.

Provoke means the infliction of bodily harm on the animal or another person, or conduct that constitutes a substantial step toward the infliction of bodily harm on the animal or another person.

Public safety board means the board of public safety of the department of public safety.

Serious injury means any injury that results in permanent disfigurement, unconsciousness, extreme pain, or permanent or protracted loss or impairment of the function of a bodily member or organ- and includes, in regard to an animal, an injury requiring euthanasia.

Quarantining authority means the department of public safety, its contractors, agents, employees and designees, acting under directives and regulations of the Health and Hospital Corporation of Marion County or the state board of animal health.

~~*Shelter* means the animal care and control facility located at 2600 South Harding Street in the city.~~

Veterinarian means a person licensed to practice veterinary medicine in the state.

Wild animal means and includes:

- (1) A Class III wild animal for which a state permit is required under 310 IAC 3.1-11-8 and/or IC 14-22-26; and
- (2) A venomous snake, poisonous amphibian, or other large reptile.

ARTICLE II. DOGS AND CATS

Sec. 531-202. Permanent identification of dogs and cats required.

(a) A person who owns a dog or cat in the consolidated city and county shall ensure that each dog or cat owned by that person bears a permanent means of identification at all times, such that the animal's owner ~~of a lost or stolen dog or cat~~ can be ascertained accurately, quickly, and easily.

(b) The means of identification required by this section shall be in addition to any tags required to be worn by dogs or cats by state law or other provision of this Code, and shall be either by means of:

- (1) A microchip implanted in the dog or cat or animal ~~which that~~ bears a registered identification number, and ~~which that~~ can be read by a standard microchip scanner; or
- (2) A permanent tag attached to a durable collar worn at all times by the dog or cat, and bearing the owner's current name, address and telephone number.

(c) Each veterinarian or other person in the consolidated city and county who implants microchips as contemplated in this section shall, ~~at an interval of not less than once each month, send~~ make available upon request to the animal care and control division the names, addresses, and phone numbers of the owners of the dogs and cats, and the corresponding microchip identification numbers. Such records shall be available to animal care and control division without court order.

(d) It shall be unlawful for a person to own a dog or cat three (3) months of age or older ~~which that~~ is kept in the ~~consolidated city and county~~, and ~~which that~~ does not bear a permanent means of identification as provided in this section. A violation of this section shall be subject to an admission of violation and payment of the designated civil penalty through the ordinance violations bureau in accordance with Chapter 103 of this Code.

Sec. 531-205. ~~Care for unmanaged colonies prohibited.~~ Unlawful care for a free-roaming cat.

It shall be unlawful for a person to provide food, water or shelter to a ~~colony of~~ free-roaming cat for a period of more than sixty (60) days unless; in compliance with sections 531-209 and 531-210 of this Code. Animal Care and Control Division may impound community cats in violation of this chapter and dispose of the cats in accordance with section 531-731.

- ~~(1) The colony is a managed colony, that is registered with the animal care and control division or its designee; or~~
- ~~(2) The food, water or shelter is provided in conjunction with the implementation of trap, neuter, and return methodology as set forth in section 531-209 of this chapter.~~

Sec. 531-209. ~~Managed free-roaming cats.~~ Community cat program.

(a) ~~The animal care and control division or its designee,~~ A community cat program is established in order to encourage the stabilization of the free-roaming cat population in the city, may: by utilizing a trap, neuter, and return methodology.

- (b) A person may (1) Trap any free-roaming cat in a humane manner, utilizing a live release trap that does not injure the animal, and in accordance with the requirements of 531-407; in order to
- (2) Have the free-roaming cat evaluated, surgically sterilized, ear-tipped, and vaccinated against rabies by a licensed veterinarian; and released to the vicinity from where it was trapped or released to a community cat caretaker.
- ~~(3) Release the cat to animal care and control for adoption or other disposition in accordance with law, or to a colony caretaker who will maintain the cat as part of a managed colony of free-roaming cats.~~

(bc) ~~The enforcement authority may impound free roaming cats in violation of this chapter and dispose of the cats in accordance with section 531-731. Any free roaming cat impounded by the enforcement authority that bears an appropriate ear tipping indicating it belongs to a managed colony.~~ A Community Cat, impounded by the Animal Care and Control Division, shall may, at the discretion of the animal care and control division, be returned to its managed colony the vicinity from where it was trapped unless illness or injury the circumstances present an imminent danger a detriment to the cat or to the public health or safety welfare.

Sec. 531-210. ~~Colony~~ Community cat caretaker responsibilities.

(a) ~~Colony caretakers shall abide by standard guidelines devised by the animal care and control division or its designee regarding the provision of food, water, shelter and veterinary care for cats within the managed colony. A~~ community cat caretaker shall abide by standard guidelines devised by the animal care and control division regarding the provision of food, water, shelter and veterinary care for a community cat as well as comply with section 531-209 of this Code.

(b) ~~Colony caretakers shall have a licensed veterinarian evaluate the health of all trapped free roaming cats. Seriously ill or injured cats with no reasonable prognosis for humane rehabilitation for survival outdoors will be humanely euthanized. Community cat caretakers shall take a seriously ill or injured community cat to the Animal Care and Control Shelter or seek licensed veterinarian care for the community cat.~~

(c) A person who violates any provision of this section shall be punishable as provided in section 103-3 of this Code; provided, however, a fine imposed for the first such violation shall not be less than twenty-five dollars (\$25.00); ~~subsequent or continued violations caretaker's removal from the management of the managed colony, or the designee's removal from the program.~~

ARTICLE III. RABIES CONTROL

Sec. 531-301. ~~Antirabies~~ Rabies vaccinations required for ~~dogs and cats~~ certain animals.

(a) It shall be unlawful to keep a dog, ~~or cat, or ferret~~ or to provide food, water or shelter to a ~~colony of free-roaming~~ cats over the age of three (3) months in the city unless each ~~cat~~ dog, cat, or ferret is immunized against rabies by a vaccination performed by a veterinarian ~~and the period of immunization specified by the veterinarian performing the vaccination has not expired.~~ in accordance with 345 IAC 1-5-2. Community Cat Caretakers are not required to renew the immunization of Community Cats.

(b) A person's first violation of this section shall be subject to admission of violation and payment of the designated civil penalty through the ordinance violations bureau in accordance with Chapter 103. A person's second and subsequent violations shall be subject to the enforcement procedures and penalties provided in section 103-3 of this Code.

Sec. 531-302. Record of ~~antirabies~~ rabies vaccinations; tag required.

(a) A veterinarian who administers ~~an a antirabies~~ rabies vaccination in the city shall, at the time a dog, ~~or cat, or ferret~~ is vaccinated, issue to the animal's owner a durable ~~antirabies~~ rabies vaccination tag upon which is imprinted the name of the veterinarian's facility, telephone number and the year and ~~serial-unique identification~~ number of the vaccination.

(b) Each owner of a dog, ~~or cat, or ferret~~ that is kept in the city shall cause the ~~antirabies~~ rabies vaccination tag to be affixed to the animal's collar, and to be worn by the animal at all times. A person's first violation of this subsection in a twelve-month period shall be subject to admission of violation and payment of the designated civil penalty through the ordinance violations bureau in accordance with Chapter 103. A person's second and subsequent violations in a twelve-month period shall be punishable as provided in section 103-3 of this Code.

(c) A veterinarian who administers ~~an a antirabies~~ rabies vaccination in the city to a free-roaming cat shall provide to the ~~colony~~ community cat caretaker written documentation of the administration of the vaccine, which shall include the name of the veterinarian's facility, telephone number and the year and ~~serial-unique identification~~ number of the vaccination.

(d) ~~A colony caretaker of a colony of free roaming cats must maintain at all times, for inspection by the enforcement authority as defined in section 531, article VII of this Code, a record of antirabies vaccination for all cats within a colony. A person's first violation of this subsection in a twelve month period shall be subject to admission of~~

~~violation and payment of the designated civil penalty through the ordinance violations bureau in accordance with Chapter 103. A person's second and subsequent violations in a twelve month period shall be punishable as provided in section 103-3 of this Code.~~

ARTICLE IV. CARE AND TREATMENT

Sec. 531-407. Animal traps; requirements and prohibitions.

(a) It shall be unlawful for a person to use, place, set or cause to be used, placed, or set any leg-hold trap or similar device upon any land or waters in the city.

(b) It shall be unlawful for a person to use, place, set or cause to be used, placed or set any snare, net or other device ~~which~~ that causes the trapping or capturing of any animal in any manner by which the animal is not either captured painlessly or killed instantly upon any land or waters in the city.

~~(e) Subsections (a) and (b) of this section shall not apply to a trap placed on private property, where the trap is placed and maintained by the owner, the owner's guest or agent.~~

~~(d)~~ It shall be unlawful for a person, having placed a lawful trap, snare or similar device in the city, to fail to inspect and empty it at least once during every twenty-four-hour period.

~~(e)~~ It shall be unlawful for a person to remove an animal in the city from any trap not on the person's property, unless such person has the express permission of the property's owner to do so.

(e) It shall be unlawful for a person, to use, place, set or caused to be used any animal traps during inclement weather. Weather temperatures below 20° Fahrenheit and above 90° Fahrenheit shall be deemed inclement weather for purposes of this chapter.

(f) Traps set for the purpose of capturing cats or dogs must be covered to protect trapped animals from the elements.

(g) Trapped cats or dogs must be transported in a temperature controlled environment.

ARTICLE VII. ENFORCEMENT AUTHORITY

DIVISION 2. IMPOUNDMENT AND DISPOSITION OF ANIMALS

Sec. 531-721. Grounds for impoundment.

(a) Any animal found at large in violation of this chapter shall be captured and impounded.

(b) Any animal found confined or abandoned on private property in violation of this chapter or section 836-5 of this Code shall be impounded.

(c) Any dangerous animal found at large or not confined as required by this chapter may be captured, impounded and its release shall be subject to the provisions of section 531-733.

(d) Section 531-731 notwithstanding, any free roaming cat is eligible to be processed through the community cat program immediately without hold.

Sec. 531-724. Return of captured animal without impoundment.

When the owner of a captured animal is known, such animal need not be impounded but may be returned to its owner if, in the opinion of the animal care and control officer, the return would not present a ~~danger~~ detriment to the public health or welfare or otherwise result in a violation of this chapter. A community cat shall be released where captured, unless reasonable options of return have been exhausted.

DIVISION 3. OTHER DISPOSITION OF ANIMALS

Sec. 531-731. Disposition of owner-surrendered animals and impounded animals not claimed by owner; adoption.

(a) An animal surrendered by its owner to the animal care and control division and not ~~reclaimed by its owner~~, adopted, or rescued by a humane or breed rescue organization, may be kept or otherwise humanely disposed of, in the reasonable exercise of discretion of the enforcement authority, but consistent with such provisions as the animal care and control board shall make regarding the capture, surrender, impoundment, adoption, sale and destruction of animals. No healthy, behaviorally sound, adoptable owner-surrendered animal shall be humanely disposed of, while there is sufficient room in the kennel to reasonably house such animal at the animal care and control shelter ~~(keeping in mind the necessity of having empty places for animals to be moved during cleaning)~~.

(b) An animal impounded under this article and ~~which that~~ is not claimed by its owner shall be confined by the enforcement authority in a humane manner for a period after capture of not less than ~~four (4) days~~ thirty-two (32) business hours. An animal not claimed within the ~~four-day~~ impoundment period may be kept, adopted, rescued by a humane or breed rescue organization or otherwise humanely disposed of, in the reasonable exercise of discretion of the enforcement authority, but consistent with such provisions as the animal care and control board shall make regarding the capture, surrender, impoundment, adoption, sale and destruction of animals. Even after the expiration of the ~~four-day~~ impoundment period, no animal shall be humanely disposed of, while there is sufficient room in the kennel to reasonably house such animal at the animal care and control shelter ~~(keeping in mind the necessity of having empty places for animals to be moved during cleaning)~~.

(c) A free-roaming cat that is not spayed or neutered and is eligible for the community cat program is exempt from the mandatory thirty-two (32) business hour impoundment period and may be immediately processed through the community cat program.

~~(ed)~~Following the ~~four-day~~ thirty-two (32) business hour impoundment period, a person other than the animal's owner or a member of the owner's family who wishes to adopt an impounded animal ~~which that~~ has not been claimed, and ~~which that~~ is otherwise available for adoption, may adopt the animal. It is declared that the adoption of as many animals as possible is a priority of the animal care and control shelter. Such person wishing to adopt an animal from the animal care and control shelter shall pay to the city an adoption fee of fifty dollars (\$50.00) to cover the enforcement authority's expenses, including the expense of vaccinations; however, with respect to a dog or cat ~~which that~~ does not bear an identification microchip, the enforcement authority shall cause a microchip with a registered identification number to be implanted in the dog or cat prior to the animal's adoption, and the adoption fee for such a dog or cat shall be sixty dollars (\$60.00). The foregoing notwithstanding, animal care and control division may, upon the approval of the animal care and control board, set lower fees for adoption for special events and limited periods of time which shall be designated in advance and clearly defined. Such lowered rates may not be granted for individual animals, but may be designated by specified groups of animals.

~~(de)~~ A person who wishes to adopt a dog or cat that has been impounded under this article or is otherwise available for adoption, ~~and that has not been~~ must be spayed or neutered, ~~must meet the adoption and sterilization criteria adopted by the animal care and control board, and first shall agree in writing to have the animal spayed or neutered at that person's expense. Failure to have the animal spayed or neutered within sixty (60) days after the date of adoption shall be a violation of this Code prior to being released to any person who wishes to adopt the animal.~~

SECTION 2. The expressed or implied repeal or amendment by this ordinance of any other ordinance or part of any other ordinance does not affect any rights or liabilities accrued, penalties incurred, or proceedings begun prior to the effective date of this ordinance. Those rights, liabilities, and proceedings are continued, and penalties shall be imposed and enforced under the repealed or amended ordinance as if this ordinance had not been adopted.

SECTION 3. Should any provision (section, paragraph, sentence, clause, or any other portion) of this ordinance be declared by a court of competent jurisdiction to be invalid for any reason, the remaining provision or provisions shall not be affected, if and only if such remaining provisions can, without the invalid provision or provisions, be given the effect intended by the Council in adopting this ordinance. To this end the provisions of this ordinance are severable.

SECTION 4. This ordinance shall be in effect from and after its passage by the Council and compliance with Ind. Code § 36-3-4-14.

PROPOSAL NO. 144, 2016. Councillor Robinson reported that the Public Safety and Criminal Justice Committee heard Proposal No. 144, 2016 on March 23 and April 20, 2016. The proposal,

sponsored by Councillors Adamson, Freeman, Miller and Lewis, prohibits the operation of Unmanned Aircraft Systems at certain locations and at certain times. By a 10-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass as amended.

Councillor Freeman said that he took up this issue from former Councillor Hunter. He said that the concern is that a person with a drone, regardless of whether they are well-intentioned or not, could really hurt someone. With Indianapolis being the sports capital of the world, they could have an accident at any event, and this just provides another layer of security. He said that Indianapolis Motor Speedway is already speeding up their drone enforcement for the big race, and he thinks this is long overdue. He said that he would like to offer an amendment that has been vetted by many lawyers, which provides a procedure for people to get a license or approval to fly a drone with notice to law enforcement authorities. He said that they may have to come back later with some more revisions, as the Federal Government promulgates their rules.

Councillor Freeman moved, seconded by Councillor Adamson, the following amendment:

Madam Chair

I move to amend Sec. 407-103 and Sec. 407-104 of Proposal No. 144, 2016, as previously amended in committee, by deleting the language that is double stricken-through and adding the language that is double-underlined, in the highlighted portions below, to read as follows:

Sec. 407-103. Prohibited unmanned aircraft system (UAS) activities.

In order to protect against potential crashes into crowded outdoor stadiums, as well as to inhibit commercial piracy and other potential threats to public safety, it shall be unlawful without proper registration, operator licensure and approval as determined by applicable state and federal laws, rules, and regulations, for a person to use or operate, ~~or to attempt to use or operate~~, an Unmanned Aircraft System (UAS) ~~under the following circumstances~~ within a 500 yard horizontal radius of, or anywhere above:

- 1) ~~At any official sporting event, contest or celebration~~ Any public event, including a public event of the National Football League (NFL), National Basketball Association (NBA), National Collegiate Athletic Association (NCAA), North American Soccer League (NASL), Minor League Baseball (MiLB), Indiana High School Athletic Association (ISHAA) or any other sanctioned amateur or professional sports league.
- 2) ~~At a~~ Any official auto car race or public event held at the Indianapolis Motor Speedway (IMS) or held or hosted by the 500 Festival.

~~3) In violation of any state or federal laws, rules or regulations.~~

In addition, if law enforcement has reasonable suspicion to believe there is immediate danger of death or serious injury to any person, it may immediately prohibit any UAS use. Within 24 hours of prohibiting such use, law enforcement shall document the basis for the reasonable suspicion.

Sec. 407-104. Nonapplicability.

a) It is lawful to use an Unmanned Aircraft System (UAS) within the City of Indianapolis/Marion County to photograph, film, audiotape, or otherwise record an individual or individuals acting ~~on private property~~ in a public event:

- 1) If such use or operation is approved or authorized in writing by the owner of the private space or public space in which the public event is being held, or their assignee(s) having legal control over such private space or public space during such public event;

↳ 2) If the recording is captured for the purpose of mapping;

- 2) 3) If the recording is captured by a City of Indianapolis/Marion County official in the course of their employment or an individual or entity under contract with the City of Indianapolis/Marion County for the purposes of resource management, operation and maintenance of utilities to determine integrity of the utility or to determine repairs.
- 3) 4) If law enforcement is using the unmanned aircraft system to execute a valid search warrant or if law enforcement is acting under circumstances in which an exception to the warrant requirement is applicable.
- 4) 5) If law enforcement is conducting a search for a missing or abducted person.
- 5) 6) If law enforcement has reasonable suspicion to believe there is immediate danger of death or serious injury to any person. Within 24 hours of prohibiting such use, law enforcement shall document the basis for the reasonable suspicion.
- 6) 7) 6) Subject to Sec. 407-103, any other purpose not in violation of federal, state or local laws.

b) ~~Although it is lawful for private individuals, public or commercial entities to use an unmanned aircraft system if they have a Certificate of Authority (COA) issued by the Federal Aviation Administration (FAA) pursuant to a Section 333 and Section 336 exemption of the Modernization and Reform Act of 2012 (FMRA), it is intended that Sec. 407-103 nonetheless applies except to the extent it is specifically pre-empted by federal or state law. If an FAA approved commercial operator is granted approval by federal authorities to use a UAS under circumstances where such use would otherwise be prohibited under Section 407-103, the operator shall provide the following information to IMPD at least 48 hours prior to the event: (1) a copy of the registration certificate of any UAS intended to be used; (2) a copy of the cover page of the operator's Section 333 exemption; and (3) a copy of the operator's Certificate of Waiver or Authorization (COA) and Transportation Security Administration security waiver (if applicable). Failure to timely provide these documents constitutes a violation under Section 407-105.~~

Councillor Oliver asked if this lines up with what is in place with the Federal Aviation Administration (FAA). Fred Biesecker, General Counsel, stated that it does, and they added the word “registration” because of an FAA requirement.

Proposal No. 144, 2016 was amended on the following roll call vote; viz:

23 YEAS: Adamson, Clay, Cordi, Evans, Fanning, Freeman, Gray, Holliday, Jackson, Johnson, Kreider, Lewis, McHenry, McQuillen, Miller, Oliver, Osili, Pfisterer, Ray, Robinson, Sandlin, Scales, Simpson
1 NAY: Mascari
1 ABSENT: Coats

Councillor Adamson said that the conversation about what constitutes a public event also took place with regard to this proposal.

Councillor McHenry asked if this would cover the races or other events at Eagle Creek Park. Councillor Freeman said that he would view these as public events, and it would be a good idea for these organizations to get a waiver.

Councillor Miller said that it is important to understand that this is paralleled with what the FAA allows, and both drone advocates and experts were consulted and heard from in this process.

Councillor Freeman moved, seconded by Councillor Adamson, for adoption. Proposal No. 144, 2016 was adopted on the following roll call vote; viz:

24 YEAS: Adamson, Clay, Cordi, Evans, Fanning, Freeman, Gray, Holliday, Jackson, Johnson, Kreider, Lewis, Mascari, McHenry, McQuillen, Miller, Oliver, Osili, Pfisterer, Ray, Robinson, Sandlin, Scales, Simpson

0 NAYS:

1 ABSENT: Coats

Proposal No. 144, 2016 was retitled GENERAL ORDINANCE NO. 18, 2016, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 18, 2016

A PROPOSAL FOR A GENERAL ORDINANCE prohibiting the operation of Unmanned Aircraft Systems at certain locations and at certain times.

WHEREAS, according to the Federal Aviation Administration (FAA), incidents involving unauthorized and unsafe use of small, remote-controlled aircraft have risen dramatically, as illustrated by pilot reports of interactions with suspected unmanned aircraft, which increased from 238 sightings in all of 2014 to 780 sightings in just the first 8 months of 2015; and

WHEREAS, unmanned aircraft systems (UAS), commonly known as “drones”, are aircraft subject to regulation by the FAA to promote safety of flight and safety of people and property on the ground; and

WHEREAS, current FAA regulations distinguish between “model aircraft,” which are UAS flown only for hobby or recreational purposes, and UAS flown for business or commercial purposes; and

WHEREAS, FAA guidance says that model aircraft should be flown a sufficient distance from populated areas; and

WHEREAS, 14 CFR Section 91.119(b) provides that, except when necessary for takeoff or landing, no person may operate an aircraft over any congested area of a city, or over any open air assembly of persons, below an altitude of 1,000 feet above the highest obstacle within a horizontal radius of 2,000 feet of the aircraft; and

WHEREAS, the FAA has also restricted flights over stadiums during NFL games, NCAA football games, major league baseball games, and motor speedway events; and

WHEREAS, in order to be authorized to fly a UAS for business or commercial purposes, a UAS operator usually must petition the FAA for an exemption under Section 333 of Public Law 112-95. When granted, a Section 333 exemption may provide relief from current FAA rules where appropriate until the FAA’s final rulemaking on small UAS is completed (which is expected to occur this summer); and

WHEREAS, the Council believes that local enforcement of reasonable UAS flight restrictions will better promote public safety and protect persons gathered in groups where a UAS incident would pose a greater risk of injury; now, therefore:

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Revised Code of the Consolidated City and County be, and is hereby, amended by adding a new Article IV in Chapter 407, to read as follows:

ARTICLE IV. UNMANNED AIRCRAFT SYSTEMS

Sec. 407-101. Definitions.

As used in this Article, the following terms are as defined as follows:

Unmanned Aircraft System (UAS) means a device that is intended to navigate in the air without an onboard pilot and controlled autonomously or remotely. Unmanned aircraft systems are also referred to as “drones” or “quad copters.” UAS includes, but is not limited to, powered aerial vehicles that store and/or transmit data, such as photos, video, thermal images, and intercepted wireless communications.

Law enforcement agency means an established state authorized local and/or county agency, including a campus law enforcement agency, which is responsible for the prevention and detection of crime and/or the enforcement of state, local, and traffic laws.

Public event means any event, game, practice, contest, parade, rally, celebration or other gathering, in either private space or public space, to which the public is invited or attends.

Private space means any indoor or outdoor property owned or controlled by a private individual or entity.

Public space means any indoor or outdoor property (including streets and sidewalks) owned or controlled by federal, state or local government, or an instrumentality of federal, state or local government, or any privately owned, operated or controlled venue hosting events to which the public is invited or attends, including Bankers Life Fieldhouse, Lucas Oil Stadium, the Indiana Farm Bureau Football Center, Victory Field, the Indiana Convention Center, the White River State Park, the Indianapolis Zoo, the Indiana State Fair Grounds and Event Center, the Indiana Farmers Coliseum, the Michael A. Carroll Track & Soccer Stadium, the Children's Museum of Indianapolis, the Indianapolis Museum of Art or Clowes Hall.

Sec. 407-102. Territorial application.

This ordinance applies throughout the Consolidated City of Indianapolis and Marion County, including the excluded cities, to the extent to which such air space can legally be regulated by local ordinance. This ordinance shall not interfere with the authority of the Federal Aviation Administration. The air space subject to this ordinance shall include all properties in the Consolidated City of Indianapolis and Marion County, including the excluded cities; there shall be no exemptions.

Sec. 407-103. Prohibited unmanned aircraft system (UAS) activities.

In order to protect against potential crashes into crowded outdoor stadiums, as well as to inhibit commercial piracy and other potential threats to public safety, it shall be unlawful without proper registration, operator licensure and approval as determined by applicable state and federal laws, rules, and regulations, for a person to use or operate an Unmanned Aircraft System (UAS) within a 500 yard horizontal radius of, or anywhere above:

- 3) Any public event, including a public event of the National Football League (NFL), National Basketball Association (NBA), National Collegiate Athletic Association (NCAA), North American Soccer League (NASL), Minor League Baseball (MiLB), Indiana High School Athletic Association (ISHAA) or any other sanctioned amateur or professional sports league.
- 4) Any official auto car race or public event held at the Indianapolis Motor Speedway (IMS) or held or hosted by the 500 Festival.

In addition, if law enforcement has reasonable suspicion to believe there is immediate danger of death or serious injury to any person, it may immediately prohibit any UAS use. Within 24 hours of prohibiting such use, law enforcement shall document the basis for the reasonable suspicion.

Sec. 407-104. Nonapplicability.

a) It is lawful to use an Unmanned Aircraft System (UAS) within the City of Indianapolis/Marion County to photograph, film, audiotape, or otherwise record an individual or individuals acting in a public event:

- 1) If such use or operation is approved or authorized in writing by the owner of the private space or public space in which the public event is being held, or their assignee(s) having legal control over such private space or public space during such public event;
- 2) If the recording is captured for the purpose of mapping;
- 3) If the recording is captured by a City of Indianapolis/Marion County official in the course of their employment or an individual or entity under contract with the City of Indianapolis/Marion County for the purposes of resource management, operation and maintenance of utilities to determine integrity of the utility or to determine repairs.
- 4) If law enforcement is using the unmanned aircraft system to execute a valid search warrant or if law enforcement is acting under circumstances in which an exception to the warrant requirement is applicable.

- 5) If law enforcement is conducting a search for a missing or abducted person.
- 6) Subject to Sec. 407-103, any other purpose not in violation of federal, state or local laws.

b) If an FAA approved commercial operator is granted approval by federal authorities to use a UAS under circumstances where such use would otherwise be prohibited under Section 407-103, the operator shall provide the following information to IMPD at least 48 hours prior to the event: (1) a copy of the registration certificate of any UAS intended to be used; (2) a copy of the cover page of the operator's Section 333 exemption; and (3) a copy of the operator's Certificate of Waiver or Authorization (COA) and Transportation Security Administration security waiver (if applicable). Failure to timely provide these documents constitutes a violation under Section 407-105.

Sec. 407-105. Violations.

a) Any person who violates the provisions of this article is punishable by a maximum civil penalty of five hundred dollars (\$500.00), plus the costs of enforcement, including reasonable attorney fees.

b) Except where otherwise expressly provided, a person who violates any provision of Section 407-103 of this Code shall be subject to the penalties and procedures provided in section 103-3 of this Code.

c) In addition to the civil penalty specified under this article, any UAS and control box operated in violation of this ordinance may be temporarily impounded in the interest of public safety until the owner or operator of such UAS and control box are able to demonstrate nonapplicability of this Article under Section 407-104. The owner of the UAS may appeal any impoundment to a court having jurisdiction in Marion County.

SECTION 2. The expressed or implied repeal or amendment by this ordinance of any other ordinance or part of any other ordinance does not affect any rights or liabilities accrued, penalties incurred, or proceedings begun prior to the effective date of this ordinance. Those rights, liabilities, and proceedings are continued, and penalties shall be imposed and enforced under the repealed or amended ordinance as if this ordinance had not been adopted.

SECTION 3. Should any provision (section, paragraph, sentence, clause, or any other portion) of this ordinance be declared by a court of competent jurisdiction to be invalid for any reason, the remaining provision or provisions shall not be affected, if and only if such remaining provisions can, without the invalid provision or provisions, be given the effect intended by the Council in adopting this ordinance. To this end the provisions of this ordinance are severable.

SECTION 4. This ordinance shall be in full force and effect after its passage and approval by the City-County Council and compliance with IC 36-3-4-14.

PROPOSAL NO. 145, 2016. Councillor Johnson reported that the Rules and Public Policy Committee heard Proposal No. 145, 2016 on April 4 and 26, 2016. The proposal, sponsored by Councillors Lewis, Adamson, Robinson, Sandlin, Fanning, McQuillen, Miller, Osili, Johnson, Mascari, Evans, Kreider, Pfisterer, Ray and Cordi, authorizes a referendum on the November 2016 ballot on new funding for public transportation in Marion County. By a 7-1 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Simpson said that he will be voting against this proposal. He said that the people cannot afford a tax increase. IndyGo has failed. Their lines do not run to the areas where they are most needed, there is no ridership on the redline on College Avenue and he was never contacted about that route, yet it takes up half the street. He said that the system is still broken, and they are spending a lot of money, yet not really fixing the problems. He said that this Council turned down the Justice Center because it was so much money, and they should turn this down, too.

Councillor McQuillen said that he supports letting the voters decide if they want the funding to move forward or not, and they should be the ones making the decision.

Councillor Scales said that 75% of referendums that are put on a ballot pass because special interest groups put out advertising making a lot of claims and promises. She said that she has talked with IndyGo over and over again about helping to get people where they need to be. IndyGo needs to prioritize these routes first, but instead, the first line of this mass transit plan is being constructed in one of the wealthiest areas of this City. She said that the “haves” get more, and the “have nots” get nothing. She said that for many, it is not a decision of whether or not they take their car or the bus, because they have no car. Others have to decide if they will pay for the bus to get to work, or buy groceries for their family. She said that many of the people in support of this plan really do not know all the details. She said that it includes permanent infrastructure being put in place that will alter the streets forever and impede traffic flow. She said that they need transit-motivated development in the underdeveloped areas of the city, but there are too many special interest groups spending a lot of dollars to control the message of this action. She asked her colleagues to oppose the proposal, and said that she cannot support this plan.

Councillor Fanning said that this is not about phase one of the redline, but about phase two and three. She said that this plan would expand the bus service by 70%. She said that even though there might be nice houses around 38th Street and College, there are still many underprivileged in that area and more transit is needed. She said that this is not just about money, and she believes the voters are smart enough to make the decision and they should trust them to do so. She said that they should educate themselves and give their constituents a vote. She has heard from both proponents and opponents, but she would like to hear from everyone else, and letting them vote is the way to do that. She said that she looks forward to working together to make the necessary plans needed to the plan if it does pass to achieve the best results they can for Indianapolis.

Councillor McHenry said that she was elected to represent District 6, and she reached out to her constituents, and 48% asked her to vote against, while 45% asked her to support the proposal. Another 7% were not clearly on one side or the other. She said that this plan does expand frequency, but there will actually be less services in her area, as it will not go out to Raceway Road anymore and other lines will be shortened. She said that there is no true bus service in District 6, and the need is for better bus services. Crawfordsville Road has no service either. She said that Marion County’s tax rates are higher than surrounding counties, and many are considering leaving the county because it is too expensive to live here. A household with two working adults and two children cannot even keep up with expenses. She said that it is time to put a stop to more taxes, and she will oppose the proposal.

Councillor Freeman said that there are no lines in most of his district, and he will be voting against this. He said that in four months, the Council will take up the budget, and they have a \$50 million structural shortfall and have to find \$50 million to balance a budget somehow. He said that everything is increasing: taxes, water, sewers, stormwaters, the added art percentage approved this evening, and now mass transit. He said that this city has serious financial problems and unfunded priorities that they have to address. He said that they cannot continue to just ask citizens to do more. He said that Franklin Township will not benefit at all by this plan. IndyGo came to the Municipal Corporations Committee and asked for approval for a bond, looking to chase federal money with no shovel-ready project. The committee shut that down, and they should keep this from going forward, as well.

Councillor Miller said that his predecessor, Councillor Dane Mahern asked him to take care of the library and the bus line. He said that the redline alone is reason for him to support this proposal. He said that he cannot say that he will not pay for education simply because he does not have any kids. He said that he will support this proposal, which is important for the city.

Councillor Oliver said that he supports the participation of taxpayers in this process. He said that this did not happen many years ago, as it received less than half support. He said that he supports the taxpayers' right to participate in a referendum, and urged them to gather information and be informed when they vote.

Councillor Pfisterer said that there have been impassioned arguments on both sides. She said that this proposal does not vote on the plan or the increased tax, but simply votes to put the question on the ballot so that voters have the opportunity to decide for themselves. It is up to the Councillors and staff to help the public understand what this involves. She said that she is planning on a town hall meeting in July to undersand this comprehensive issue.

Councillor Sandlin said that he has friends on both sides of this issue. He said that he supports allowing constituents to have their say and make the decision.

Councillor Adamson said that he served as an at-large Councillor his first term, and one of the important issues county-wide in that race for office was the expansion and improvement of mass transit in this county.

Councillor Jackson said that she has concerns with the overall plan, but that is not what this proposal approves. This is about a referendum, and she supports letting the citizens speak for themselves.

Councillor Johnson moved, seconded by Councillor Adamson, for adoption. Proposal No. 145, 2016 was adopted on the following roll call vote; viz:

18 YEAS: Adamson, Clay, Cordi, Evans, Fanning, Jackson, Johnson, Kreider, Lewis, Mascari, McQuillen, Miller, Oliver, Osili, Pfisterer, Ray, Robinson, Sandlin
6 NAYS: Freeman, Gray, Holliday, McHenry, Scales, Simpson
1 ABSENT: Coats

Proposal No. 145, 2016 was retitled SPECIAL ORDINANCE NO. 1, 2016, and reads as follows:

CITY-COUNTY SPECIAL ORDINANCE NO. 1, 2016

A SPECIAL ORDINANCE authorizing a referendum on the November 2016 ballot on new funding for public transportation in Marion County.

WHEREAS, the Indianapolis Public Transportation Corporation (IPTC) is a municipal corporation and public transportation corporation providing public transit services within the City of Indianapolis and Marion County; and,

WHEREAS, the Indy Connect plan, the multi-county transit vision for Central Indiana, as developed by the Metropolitan Planning Organization in partnership with the IPTC and the Central Indiana Regional Transportation Authority, is based on years of planning and public input, and calls for regional public transportation improvements; and

WHEREAS, SEA 176-2014 enacted by the Indiana General Assembly provides an opportunity for the citizens of Central Indiana to vote via referendum in a general election on whether to fund county-based public transportation improvements through an income tax not to exceed 0.25%; and

WHEREAS, IPTC Resolution 2016-02, adopted by the IPTC board of directors on February 25, 2016 supports a voter referendum in Marion County to fund public transportation improvements; and

May 9, 2016

WHEREAS, the Marion County Transit Plan begins to implement the Indy Connect regional plan within Marion County in accordance with the enabling legislation; and

WHEREAS, the Marion County Transit Plan offers a 5-year implementation plan for improved travel times, with all routes operating seven days a week, shorter wait times, trips earlier in the morning and later at night, and 3 new rapid transit lines; and

WHEREAS, the Indianapolis Public Transportation Corporation's board of directors is expected to adopt a detailed and comprehensive version of the Marion County Transit Plan on March 24, 2016; now, therefore:

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. Pursuant to IC 8-25-2-1, a referendum to fund public transportation improvements in Marion County is hereby authorized and shall be placed on the November 2016 ballot for voters.

SECTION 2. Pursuant to IC 8-25-2-3, the referendum question shall read as follows: "Shall Marion County have the ability to impose a county economic development income tax rate, not to exceed a rate of 0.25%, to pay for improving or establishing public transportation service in the county through a public transportation project that will create a connected network of buses and rapid transit lines; increase service frequency; extend operational hours; and implement three new rapid transit lines?"

SECTION 3. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 159, 2016. Councillor Adamson reported that the Public Works Committee heard Proposal No. 159, 2016 on April 21, 2016. The proposal, sponsored by Councillor Osili, authorizes the removal of the bus stop at Alabama and Ohio Streets to allow for additional metered parking (District 11). By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Adamson moved, seconded by Councillor Robinson, for adoption. Proposal No. 159, 2016 was adopted on the following roll call vote; viz:

22 YEAS: Adamson, Clay, Cordi, Evans, Freeman, Gray, Holliday, Jackson, Johnson,
Kreider, Lewis, Mascari, McHenry, Miller, Oliver, Osili, Pfisterer, Ray, Robinson, Sandlin,
Scales, Simpson
0 NAYS:
2 NOT VOTING: Fanning, McQuillen
1 ABSENT: Coats

Proposal No. 159, 2016 was retitled GENERAL ORDINANCE NO. 19, 2016, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 19, 2016
Proposal No. 159, 2016

PROPOSAL FOR A GENERAL ORDINANCE to amend the Revised Code to make various changes to Chapter 441, Traffic.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

Section 1. That the Revised Code of the Consolidated City and County, Indianapolis/Marion County, Indiana, specifically Sec. 621-402, Bus stop and trolley stop zones, be, and the same is hereby amended by the deletion of the following, to wit:

Ohio Street, on the north side, from a point 92 feet west of Alabama Street to Alabama Street;

SECTION 2. The expressed or implied repeal or amendment by this ordinance of any other ordinance or part of any other ordinance does not affect any rights or liabilities accrued, penalties incurred, or proceedings begun prior to the effective date of this ordinance. Those rights, liabilities, and proceedings are continued, and penalties shall be imposed and enforced under the repealed or amended ordinance as if this ordinance had not been adopted.

SECTION 3. Should any provision (section, paragraph, sentence, clause, or any other portion) of this ordinance be declared by a court of competent jurisdiction to be invalid for any reason, the remaining provision or provisions shall not be affected, if and only if such remaining provisions can, without the invalid provision or provisions, be given the effect intended by the Council in adopting this ordinance. To this end the provisions of this ordinance are severable.

SECTION 4. This ordinance shall be in effect from and after its passage by the Council and compliance with Ind. Code § 36-3-4-14.

PROPOSAL NO. 168, 2016. Councillor Osili reported that the Metropolitan and Economic Development Committee heard Proposal No. 168, 2016 on April 25, 2016. The proposal, sponsored by Councillor Adamson, designates the alleyway west of Allegheny Street, from Michigan Street to Lockerbie Street, as the Spurr Memorial Way. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Osili moved, seconded by Councillor Adamson, for adoption. Proposal No. 168, 2016 was adopted on the following roll call vote; viz:

22 YEAS: Adamson, Clay, Cordi, Evans, Freeman, Gray, Holliday, Jackson, Johnson, Kreider, Lewis, Mascari, McHenry, Miller, Oliver, Osili, Pfisterer, Ray, Robinson, Sandlin, Scales, Simpson
0 NAYS:
2 NOT VOTING: Fanning, McQuillen
1 ABSENT: Coats

Proposal No. 168, 2016 was retitled GENERAL RESOLUTION NO. 3, 2016, and reads as follows:

CITY-COUNTY GENERAL RESOLUTION NO. 3, 2016

A GENERAL RESOLUTION designating the alleyway west of Allegheny Street, from Michigan Street to Lockerbie Street, as the Spurr Memorial Way.

WHEREAS, Elmer Lee Spurr moved to Indianapolis by way of Kentucky in the early 1950's with his wife and children; and

WHEREAS, Mr. Spurr moved to East Vermont Street in 1957, when his parents moved back to Kentucky and remained in that home until his death in 1988; and

WHEREAS, Mr. Spurr was a self-employed carpenter for over 40 years and was responsible for many of the construction and renovations on homes and garages in the Lockerbie Square neighborhood; and

WHEREAS, Mr. Spurr and his wife were very involved in the community and served on the neighborhood crimewatch patrol; and

WHEREAS, in addition, Mr. Spurr and his wife hosted many of the neighborhood Christmas parties and many of the neighbors referred to Mr. Spurr as the "Mayor of Lockerbie Square"; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Indianapolis City-County Council does hereby honor the memory of Elmer Lee Spurr by designating the alleyway west of Allegheny Street, from Michigan Street to Lockerbie Street, as the Spurr Memorial Way.

SECTION 2. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

NEW BUSINESS

Councillor Oliver said that they need to do something about allowing the public to libel or slander individuals, as some speakers during public hearing cross the line in their comments. He said that he is not sure how to best handle this issue, but he is taken aback by some of the comments made this evening. President Lewis said that she did stop the individual speaking out of turn this evening, but she is happy to have further conversation about how to handle this type of speaker without hampering public input.

ANNOUNCEMENTS AND ADJOURNMENT

The President said that the docketed agenda for this meeting of the Council having been completed, the Chair would entertain motions for adjournment.

Councillor McQuillen stated that he had been asked to offer the following motion for adjournment by:

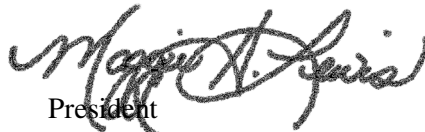
- (1) All Councillors in memory of Thurman Nance and Chief Keith Smith; and
- (2) Councillor Jackson in memory of Sherman Henry; and
- (3) Councillor McHenry in memory of Mike Staggs; and
- (4) Councillor McQuillen in memory of Helen Marie Wells; and
- (5) Councillor Holliday in memory of Ronald Atkinson and Paula Baldwin; and
- (6) Councillor Scales in memory of Gary Welsh; and
- (7) Councillor Pfisterer in memory of Bud Galbo; and
- (8) Councillor Mascari in memory of Dan Challis and Margaret Cinotto.

Councillor McQuillen moved the adjournment of this meeting of the Indianapolis City-County Council in recognition of and respect for the life and contributions of Thurman Nance, Chief Keith Smith, Sherman Henry, Mike Staggs, Helen Marie Wells, Ronald Atkinson, Paula Baldwin, Gary Welsh, Bud Galbo, Dan Challis and Margaret Cinotto. He respectfully asked the support of fellow Councillors. He further requested that the motion be made a part of the permanent records of this body and that a letter bearing the Council seal and the signature of the President be sent to the families advising of this action.

There being no further business, and upon motion duly made and seconded, the meeting adjourned at 9:29 p.m.

We hereby certify that the above and foregoing is a full, true and complete record of the proceedings of the regular concurrent meetings of the City-Council of Indianapolis-Marion County, Indiana, and Indianapolis Police, Fire and Solid Waste Collection Special Service District Councils on the 9th day of May, 2016.

In Witness Whereof, we have hereunto subscribed our signatures and caused the Seal of the City of Indianapolis to be affixed.


President

ATTEST:

(SEAL)


Clerk of the Council